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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: James H. Keithly et al. Examiner:
Serial No.: 10 / 671,409 Group Art Unit: 1615
Filed: September 25, 2003 Docket: C004.P004
Title: ENHANCING COMMERCIAL POULTRY OPERATIONS WITH LITTER HAVING
CITRUS BYPRODUCT

PETITION UNDER 37 CFR 1.182 AND MPEP 402.10
APPOINTMENT/REVOCATION BY LESS THAN ALL APPLICANTS OR OWNERS

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

April 26, 2004

Applicant hereby petitions that:

Applicant be permitted to divide prosecution of the applications above per MPEP 402.10 between the current counsel of record representing Tropicana products and the undersigned counsel representing David Wilson.

Applicant be permitted to revoke the power of attorney for the application above for inventor David Wilson and appoint the undersigned as counsel for him. Forms PTO/SB/82, Revocation of Power of Attorney and Authorization of Agent, as executed by David Wilson for the application above are attached hereto. One form expressly revokes representation in the 10/671,409 application, and another is a general revocation of all matters.


For reference, additional forms PTO/SB/82 are attached which are directed to the PCT applications PCT/02/20590 and PCT/US02/20586 above.

Applicant acknowledges that "good and sufficient reasons" are required to divide prosecution of the above applications. Applicant respectfully asserts that such good and sufficient reasons exist. In support hereof, Applicants enclose the Affidavit of David L. Wilson, an unassigned named inventor in the application above and the Declaration of E.J. Asbury III patent counsel for David Wilson. The Affidavit and Declaration evidence that Mr. Wilson and Tropicana are now adverse parties and both parties may no longer be represented by the sole counsel of record.


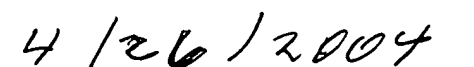
A petition fee of \$130.00 is enclosed herein.

A copy of this petition has been forwarded via 1st class mail to counsel of record in the application.

Respectfully submitted,


E.J. Asbury III, LLC
Registration No. 52,570
Patent Counsel for David Wilson
3330 Cumberland Blvd
Suite 500
Atlanta, GA 30339
Phone: 770 933-6850
Fax: 404 795-1025

I hereby certify that this correspondence is being placed in the United States Mail with 1st class postage on the date listed below.

 
E.J. Asbury III Date

COMBINED DECLARATION OF E.J. ASBURUY III AND DAVID WILSON
IN SUPPORT OF PETITION UNDER 37 CFR 1.182 AND MPEP 402.10
APPOINTMENT/REVOCATION BY LESS THAN ALL APPLICANTS OR OWNERS

1. I represent Mr. David L. Wilson.
2. Mr. Wilson is a named inventor along with employees of Tropicana Products, Inc. on two patent applicants pending before the USPTO.
3. The attorneys of record for the pending patent applications are the firm of Cook, Alex, McFarron, Manzo, Cummins & Mehler, Ltd., (the Mehler firm).
4. The pending patents currently comprise:
 - a. U.S. Patent App. No. 10 / 342,481 – Commercial Poultry Litter Enhancement with Citrus Sources”
 - b. U.S. Patent App. No. 10 / 671,409 – “Enhancing Commercial Poultry Operations with Litter Having Citrus By-Product”
5. Two patents have issued in the name of the Tropicana employees and David Wilson:
 - a. U.S. Patent 6,523,496 B1 – “Dried Citrus Peel Use in Commercial Poultry Litter,” date of issue February 25, 2003.
 - b. U.S. Patent 6,708,647 B2 – “Commercial Poultry Litter Having Dried Citrus Peel,” date of issue March 23, 2004.
6. Two international patent applications have been filed by Tropicana Products:
 - a. International Patent App. No. PCT/02/20590 - “Dried Citrus Peel Use in Commercial Poultry Litter”
- From which various National Stage applications have been filed.
 - b. International Patent App. No. PCT/US02/20586 – “Commercial Poultry Litter Enhancement with Citrus Sources”
7. Attorney Raymond Mehler originally received a power of attorney to represent David Wilson before the U.S. patent office on July 13, 2001, a copy of which is attached hereto.

8. Attorney Mehler had previously filed a patent application Serial No. 09/898,997, "Dried Citrus Peel Use in Commercial Poultry Litter" on July 3, 2001, naming Tropicana inventors Mr. James Keithly and Mr. Thomas Taggart and inventor David Wilson.
9. David Wilson is not an employee of Tropicana, has never been an employee of Tropicana, has never assigned any rights to Tropicana Products, and has never promised to assign rights to Tropicana products.

Offending Conduct I

10. On December 14, 2001, Mr. Mehler and another party he represents, Tropicana Products, Inc, failed to inform David Wilson of the filing of patent application Serial No. 10/017,126, "Dried Citrus Peel Supplement for Use in Commercial Poultry Feed."
11. The patent application names inventors Keithly and Taggart of Tropicana, but does not name David Wilson.
12. In the filing and subsequent prosecution of application Serial No. 10/017,126, Mr. Mehler provided no notice to Mr. Wilson of his actions in prosecuting a patent application for another party (Tropicana Products), in an identical art as Mr. Wilson's application, and an application which directly competes with resources used in David Wilson's application, those resources being citrus bi-product.
13. Mr. Mehler did not provide any opportunity for Mr. Wilson to evaluate his inventive input in the '126 application.
14. Mr. Mehler is the attorney of record for all of the aforementioned applications, and therefore had knowledge of Mr. Wilson and his potential inventorship in each application.

15. Mr. Wilson was unaware of the existence of the competing '126 application, and the Mehler firm provided no notice they were prosecuting the competing '126 application, until the application published at 18 months on June 19, 2003 as U.S. 2003/0113401.
16. David Wilson has reviewed the '126 application and believes he is properly an inventor in that application.
17. During the time period leading to the publication of the '126 application, Mr. Mehler continued to represent David Wilson in the preparation and prosecution of U.S. patent applications, specifically:
 - a. U.S. App Serial No. 09/898,997 - "Dried Citrus Peel Use in Commercial Poultry Litter," filed July 3, 2001, which issued as U.S. Patent 6,523,496 on February 25, 2003; and
 - b. U.S. App. Serial No. 10/341,729 - "Commercial Poultry Litter Having Dried Citrus Peel," filed January 14, 2003, which issued as U.S. Patent 6,708,647 on March 23, 2004.

Offending Conduct II

18. On January 14, 2002, Mr Mehler filed a continuation in part of the original U.S. application Serial No. 09/898,997 above. The Continuation in Part application was given Serial No. 10/046,473 and titled "Commercial Poultry Litter Enhancement with Citrus Sources."
19. David Wilson **was not a named inventor** in the **continuation in part** application. No declaration or power of attorney (POA) was needed from David Wilson in filing the application because Mr. Wilson was not named as an inventor.
20. The Declaration and POA of the '473 application, a copy of which is attached hereto, was filed on May 15, 2002 by Mr. Mehler and only names Tropicana employees Keithly and Taggart as inventors. Again, Attorney Mehler provided no notice to Mr. Wilson of his actions in prosecuting a directly competing patent application, for another party, in an

identical art as Mr. Wilson's application, and a continuation in part from an application where David Wilson is a named co-inventor.

21. Attorney Mehler did not provide any opportunity for Mr. Wilson to evaluate his inventive input in the '126 application.
22. Mr. Mehler is the attorney of record for all of the aforementioned applications, and therefore had knowledge of Mr. Wilson and his potential inventorship in each application.
23. On June 27, 2002, a PCT application PCT/US02/20586, the first sheet of which is attached hereto, was filed by attorney Mehler which copies the U.S. application Serial No. 10/046,473 above including identical copies of the 49 claims of the '473 application and naming only Tropicana employees Keithly and Taggart as inventors.
24. On January 15, 2003, Attorney Mehler forwarded a letter captioned, "New Continuation U.S. Patent Application," a copy of which is attached hereto. The letter informs Mr. Wilson of the filing of a new continuation application on the same date, an application which names David Wilson as an inventor.
25. The application filed on January 15, 2003 is a continuation of the '473 continuation in part application above that did not name Mr. Wilson as an inventor.
26. The January 15, 2003 letter was the first notice provided David Wilson of the existence of the '473 continuation in part application which Mr. Mehler had been prosecuting for Tropicana over the previous 12 months. The January 15th letter does not note or address that David Wilson was not a named inventor in the '473 continuation in part application.
27. The January 15th letter included a new combined declaration for the two Tropicana inventors and David Wilson and also forwarded an assignment document for Mr. Wilson's signature. The combined declaration and power of attorney was executed by

Mr. Wilson and forwarded to attorney Mehler on April 25, 2003, a copy of which is attached hereto.

Offending Conduct III

28. An international patent application PCT/US02/20590 was filed by Mr. Mehler on June 27, 2002, the first sheet of which is attached hereto. The '590 PCT application copies the original U.S. application Serial No. 09/898,997 above including identical copies of the 44 claims of the '997 application.
29. Attorney Mehler **failed to inform Mr. Wilson** of the filing of the international patent application PCT/US02/20590 that bears his name as an un-assigned co-inventor.
30. The first notice given by Attorney Mehler to David Wilson, or his counsel, of the existence of a PCT application or of any national stage applications was in an E-mail dated January 20, 2004, a copy of which is attached hereto.
31. On January 20, 2004, Attorney Mehler sent an E-mail to counsel for David Wilson regarding assignment of a Brazilian national stage application. This was the first notice provided David Wilson of the existence of any PCT or national stage applications.
32. In his E-mail Mr. Mehler stated:

“Despite filing via the PCT, Brazil requires Assignment documentation. Normally, this is accomplished by submitting a copy of the Assignment which had been executed in connection with filing the US application. As you know, Mr. David Wilson has not yet executed any Assignments for any subject matter with Tropicana. This requirement causes us to once again raise this issue.”
33. As he acknowledges above, Mr. Mehler clearly knew that David Wilson had not assigned his patent rights as of the filing of the PCT/US02/20590 application.
34. In a letter dated January 28, 2004, a copy of which is attached hereto, the undersigned counsel replied to Mr. Mehler's E-mail questioning the existence of a PCT application

and the failure of attorney Mehler to inform David Wilson of PCT and national stage filings.

Offending Conduct IV

35. In a teleconference on January 30, 2004, between the undersigned counsel and attorney Mehler, Mr. Mehler stated the reason Mr. Wilson had not been kept informed on the filing of international applications was because Mr. Wilson had not requested to be kept informed about PCT applications.

36. In an E-mail dated October 3, 2002, a copy of which is attached hereto, the undersigned counsel had requested:

“As we discussed during our conference, please also send copies of all papers filed with or received from the PTO in connection with the '997 application or any other application claiming priority to the '997 application to the address below so that they arrive no later than October 11, 2002.”

37. In an E-mail dated April 14, 2003, a copy of which is attached hereto, the undersigned counsel had requested:

“I would like to enter into discussions concerning the assignment of the patent portfolio, including issued U.S. Patent 6,523,496, divisional application your ref number 0876-1121.01 and continuation in part application U.S. 10/046,473 which after a restriction requirement has been filed as continuation application U.S. 10/342,481. Please verify no other applications have been filed which claim priority to the portfolio above.

...

I would also like to reiterate my previous request to be copied on all correspondence filed with or received from the PTO in connection with the portfolio above, or any other application claiming priority to the portfolio, at the address below.”

38. In a letter dated January 30, 2004, a copy of which is attached hereto, the undersigned counsel for Mr. Wilson addressed Mr. Mehler's assertion and provided additional copies of the above E-mails.

Offending Conduct V

39. Most egregiously, the PCT/US02/20590 application filed on June 27, 2002 failed to recognize Mr. Wilson's clear ownership rights, naming Tropicana Products as the sole applicant. Attorney Mehler filed the PCT application naming Tropicana Products as the sole applicant, and therefore the sole owner, using the power of attorney granted by David Wilson in the original U.S. Application Serial No. 09/898,997, and without the knowledge or permission of David Wilson.
40. As acknowledged in his January 20, 2004 E-mail, Attorney Mehler clearly knew David Wilson had not assigned any rights.

Offending Conduct VI

41. The 30 month deadline for entering the national stage in selected countries for the PCT/US02/20590 application occurred on January 3, 2004. As of this date, David Wilson had not been provided notice of the existence of the application, either by Tropicana or attorney Mehler. Mr. Wilson was given no opportunity to participate in the selection of countries to file national stage applications in.
42. In an E-mail on January 30, 2004, a copy of which is attached hereto, and after repeated request by Mr. Wilson's undersigned counsel, attorney Mehler finally forwarded a list of countries where national stage applications had been filed by Tropicana from the PCT/US02/20590 application.

Offending Conduct VII

43. Ten foreign national stage applications had been filed from the PCT application above between December 1, 2003 and January 3, 2004. The national stage applications were filed in Brazil, the EPO, Norway, Israel, Poland, Russia, Australia, New Zealand, Costa Rica, and Mexico.

44. Each foreign application named Tropicana as the sole applicant, again failing to recognize Mr. Wilson's clear ownership rights. All foreign applications were filed without the knowledge or approval of inventor David Wilson, using the power of attorney as granted by Mr. Wilson for the original U.S. application.
45. As he acknowledges in the January 20, 2004 E-mail, attorney Mehler clearly knew that David Wilson had not assigned his patent rights as of the filing of the national stage applications in ten foreign countries; Brazil, the EPO, Norway, Israel, Poland, Russia, Australia, New Zealand, Costa Rica, and Mexico, yet attorney Mehler failed to note Mr. Wilson's ownership interests in the filing of each application with the foreign patent offices by failing to name Mr. Wilson as a co-applicant.

Offending Conduct VIII

46. On February 25, 2004, the Mehler firm forwarded to the Tropicana Brazilian counsel a letter containing attachments to be filed in the Brazilian patent office, a copy of which is attached hereto. The Mehler firm provided a copy to the undersigned counsel on the same date. The letter purportedly forwarded the executed documents necessary to correct the ownership of the Brazilian application.
47. Incredibly, one of the attachments to the letter was an assignment of David Wilson's Brazilian patent rights to Tropicana products, a copy of which is attached hereto. David Wilson had not signed the assignment. Only the Tropicana inventors Keithly and Taggart had signed the assignment. Later in the day, on February 25, 2004, E-mails by the undersigned counsel and Mr. Wilson's Brazilian counsel to the Mehler firm and the Tropicana Brazilian counsel precluded the filing of the erroneous assignment at the Brazilian patent office. Brazil is the largest producer of citrus bi-product in world.

Offending Conduct IX

48. In Brazil, the ownership error has been corrected by a simple one-page affidavit drafted by counsel for David Wilson and signed by David Wilson and a representative of

Tropicana Products, Inc., Mr. Lars Johnson. The rapid correction of ownership in Brazil was necessitated by a sixty (60) day from the filing date statutory correction period.

49. The correction of all national stage applications has been the subject of numerous letters between the undersigned counsel for Mr. Wilson and the Mehler firm.
50. In a voice-mail to the undersigned counsel on March 29, 2004, a representative for Tropicana Products, Inc., senior corporate counsel Mr. Lars Johnson, stated that Tropicana refused to "give up any ownership interests" in the remaining foreign applications.
51. In a letter dated April 5, 2004, the Mehler firm received revocations for all PCT and foreign applications. Any powers granted to foreign counsel by the Mehler firm were also revoked on that date. All previous powers of attorney to the law firm of Cook, Alex, McFarron, Manzo, Cummins & Mehler, Ltd granted by David L. Wilson were revoked in a letter dated April 6, 2004. Copies of each letter are attached hereto.
52. A transcript of the March 29, 2004 voice-mail of Lars Johnson was forwarded to attorney Mehler in a letter dated April 9, 2004, a copy of which is attached hereto.
53. The April 9th letter again requests affirmative action by the Mehler firm and Tropicana to address the ownership correction of the foreign applications.
54. A response letter from attorney Mehler was received on April 12, 2004 and a second response letter was received on April 15, 2004, copies of which are attached hereto.
55. The April 15, 2004 letter of attorney Mehler purports to explain why David Wilson was given no notice of the PCT and national stage applications by attorney Mehler prior to the E-mail of January 20, 2004.


56. Petitioner disagrees with most of the assertions in the Mehler response letters.

Offending Conduct X

57. In a letter dated April 20, 2004, copies of which are attached hereto, the Mehler firm proposed filing papers to "appoint" the undersigned counsel as agent of record for Tropicana Products and David Wilson in the pending U.S. applications.

58. A response letter was forwarded to the Mehler firm later in the day on April 20, 2004, a copy of which is attached hereto, noting the impossibility of such appointment due to the clear conflict of interest which exists between the parties.

Respectfully submitted,


E.J. Asbury III
Registration No. 52,570

E.J. Asbury III, LLC
3330 Cumberland Blvd
Suite 500
Atlanta, GA 30339
Phone: 770 933-6850
Fax: 404 795-1025

AFFIDAVIT OF DAVID L WILSON
IN SUPPORT OF PETITION UNDER 37 CFR 1.182 AND MPEP 402.10
APPOINTMENT/REVOCATION BY LESS THAN ALL APPLICANTS OR OWNERS

1. I am a named co-inventor in the Patent Application No. 10/342,481 "Commercial Poultry Litter Enhancement with Citrus Sources" and have personal knowledge of the facts stated herein.
2. The other joint inventors are James Keithly and Thomas Taggart, who were employees of Tropicana Products at the time of the invention.
3. I am not an employee of Tropicana Products. I have never been an employee of Tropicana Products. I have never assigned my interest in the patent application above to Tropicana Products. I have never promised to assign my interests in the patent application above to Tropicana Products.
4. I am a co-inventor of an issued U.S. Patent 6,523,496 B1 – "Dried Citrus Peel Use in Commercial Poultry Litter," date of issue February 25, 2003.
5. I originally granted a power of attorney to the law firm of Cook, Alex, McFarron, Manzo, Cummins & Mehler, Ltd., (the Mehler firm) on July 13, 2001, to prosecute U.S. Patent Application 09/898,997. After division the '997 application issued as U.S. Patent 6,523,496.
6. On September 30, 2003, I was informed by my counsel E.J. Asbury that Tropicana Products had filed a patent application on December 14, 2001, Serial No. 10/017,126 "Dried Citrus Peel for Use in Commercial Poultry Feed." At that time, I was also informed I was not a named inventor in the application.
7. Prior to September 30, 2003, I had no knowledge of the existence of the '126 application.

8. I have reviewed the '126 application and believe I am properly an inventor in that application.
9. On or shortly after January 15, 2003, I was informed by my counsel Mr. Asbury that Tropicana Products had filed a continuation patent application Serial No. 10/342,481 "Commercial Poultry Litter Enhancement with Citrus Sources." At that time, I was informed I was a named inventor in the application.
10. Prior to January 15, 2003, I had no knowledge that a continuation in part application had been filed on January 14, 2002, Serial No. 10/046,473, which claimed priority to the U.S. Patent Application 09/898,997, upon which I was a named inventor.
11. On or shortly after January 20, 2004, I was informed by my counsel Mr. Asbury that Tropicana Products had filed on June 27, 2002, International Patent Applications No. PCT/02/20590 - "Dried Citrus Peel Use in Commercial Poultry Litter," and International Patent App. No. PCT/US02/20586 - "Commercial Poultry Litter Enhancement with Citrus Sources."
12. Prior to January 20, 2004, I had no knowledge of the filing of any International Patent Applications by Tropicana Products.
13. On or shortly after January 20, 2004, I was informed by my counsel Mr. Asbury that Tropicana Products had filed a national stage application in Brazil from the '20586 PCT application.
14. On or shortly after January 30, 2004, I was informed by my counsel Mr. Asbury that Tropicana Products had filed national stage applications in the EPO, Norway, Israel, Poland, Russia, Australia, New Zealand, Costa Rica, and Mexico. At that time, I was also informed I was not a named applicant in the aforementioned countries and Brazil and

that my ownership interest in each of the applications was not acknowledged in the application filing.

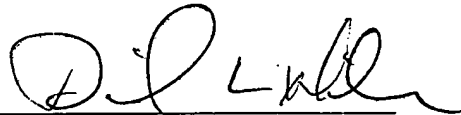
15. Prior to January 20, 2004, I had no knowledge of the existence of any national stage applications by Tropicana Products.

16. As I had no knowledge of the International Patent Applications prior to January 20, 2004, I was given no opportunity to participate in the selection of countries in which to file national stage applications.

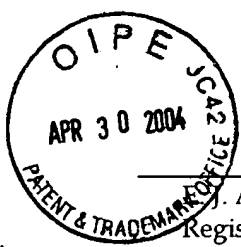
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and that the statement were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date 4-26-04

Signed



David L. Wilson



THE LAW OFFICES OF
E. J. ASBURY III, LLC
Patents • Trademarks • Copyrights

E. J. Asbury III, M.S. Esq.
Registered Patent Attorney

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ejasbury@bellsouth.net

April 26, 2004

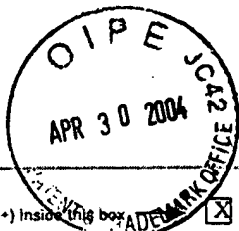
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir

Please find enclosed a Petition to divide prosecution of application Serial No. 10/671,409 between the undersigned counsel and the attorney of record in that application. Please also find Credit Card Payment Form 2038 in the amount of \$130.

Sincerely

E.J. Asbury III,
Registration No. 52,570
E.J. Asbury III, LLC
Patent Counsel for David Wilson
3330 Cumberland Blvd
Suite 500
Atlanta, GA 30339
Phone: (770) 933-6850
Fax: (404) 795-1025



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PTO/SB/82 (10-00)

Approved for use through 10/31/2002. OMB 0651-0035

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REVOCATION OF POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

Application Number	10/342,481
Filing Date	January 15, 2003
First Named Inventor	Keithly
Group Art Unit	3644
Examiner Name	Judith A. Nelson
Attorney Docket Number	C004.P003

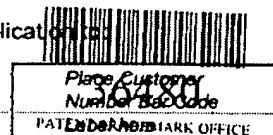
I hereby revoke all previous powers of attorney or authorizations of agent given in the above-identified application:

☐ A Power of Attorney or Authorization of Agent is submitted herewith.

OR

☒ Please change the correspondence address for the above-identified application to:

☒ Customer Number 36480 →



OR

☐ Firm or
Individual Name

Address

Address

City

Country

State

ZIP

Telephone

Fax

I am the:

☒ Applicant/Inventor.

☐ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Name

David L. Wilson

Signature

Date

1-9-2004

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ *Total of 1 forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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REVOCATION OF POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

Application Number	10/ 671,409
Filing Date	September 25, 2003
First Named Inventor	Keithly
Group Art Unit	3644
Examiner Name	Not Assigned
Attorney Docket Number	C004.P004

I hereby revoke all previous powers of attorney or authorizations of agent given in the above-identified application:

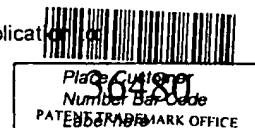
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OR

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☒ Customer Number 36480

OR



☐ Firm or
Individual Name

Address

Address

City

Country

State

ZIP

Telephone

Fax

I am the:

☒ Applicant/Inventor.

☐ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Name

David L. Wilson

Signature

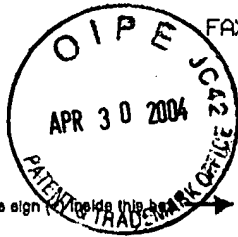
Date

1-9-2004

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.

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Please type a plus sign (+) inside this box ☒

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REVOCATION OF POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

Application Number	See Attachment A
Filing Date	July 3, 2001 - Priority Date
First Named Inventor	Keithly
Group Art Unit	
Examiner Name	
Attorney Docket Number	

I hereby revoke all previous powers of attorney or authorizations of agent given in the above-identified application:

☐ A Power of Attorney or Authorization of Agent is submitted herewith.

OR

☐ Please change the correspondence address for the above-identified application to:

☐ Customer Number



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Number Bar Code
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OR

<input checked="" type="checkbox"/> Firm or Individual Name	E. J. Asbury III, LLC				
Address	3330 Cumberland Boulevard				
Address	Suite 500				
City	Atlanta				
Country	United States	State	GA	ZIP	30339
Telephone	770 - 933 - 6850	Fax	404 - 795 - 1025		

I am the:

☒ Applicant/Inventor.

☐ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Name	David L. Wilson
Signature	
Date	4-6-04

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Attachment A

The Revocation of Power of Attorney and Substitute Power of Attorney to include:

- U.S. Patent 6,523,496
- U.S. Patent 6,708,647
- All patent applications, continuations, continuations in part, or divisions, claiming priority to U.S. application Serial No. 09/898,997; specifically including:
 - U.S. application Serial No. 10/046,473
 - U.S. application Serial No. 10/342,481
 - U.S. application Serial No. 10/671,409
 - U.S. application Serial No. 10/341,729



David L. Wilson

Date: 4-6-04

Please type a plus sign (+) inside this box → ☒

PTO/SB/82 (10-00)

Approved for use through 10/31/2002. OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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REVOCATION OF POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

Application Number	PCT/US02/20590 & Attachment A
Filing Date	July 3, 2001
First Named Inventor	Keithly
Group Art Unit	
Examiner Name	
Attorney Docket Number	Tropicana Ref No. 0883-0121

I hereby revoke all previous powers of attorney or authorizations of agent given in the above-identified application:

☐ A Power of Attorney or Authorization of Agent is submitted herewith.

OR

☐ Please change the correspondence address for the above-identified application to:

☐ Customer Number



Place Customer
Number Bar Code
Label here

OR

<input checked="" type="checkbox"/> Firm or Individual Name	E. J. Asbury III, LLC				
Address	3330 Cumberland Boulevard				
Address	Suite 500				
City	Atlanta				
Country	United States	State	GA	ZIP	30339
Telephone	770 - 933 - 6850	Fax	404 - 795 - 1025		

I am the:

☒ Applicant/Inventor.

☐ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Name	David L. Wilson
Signature	
Date	3-30-04

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

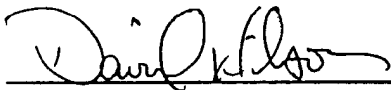
☒ *Total of 1 forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Attachment A

The Revocation of Power of Attorney and attached Substitute Power of Attorney to include International Application PCT / US 02 / 20590 – “Dried Citrus Peel Use in Commercial Poultry Litter” and all National Stage Applications filed drawing priority from PCT / US 02 / 20590, specifically including:

- EPO Application No. 02749698.3
- Russian Federation Application - Tropicana Ref No. 0883-0121.02
- Norwegian Application No. 2004 0032 –
- Israeli Patent Application No. 159 568 –
- Poland Patent Application - Tropicana Ref No. 0883-0121.05
- Australian Patent Application No. 2002320194
- New Zealand Patent Application - Tropicana Ref No. 0884-0121.01
- Brazil Patent Application No. PI 0210832-1
- Mexican Patent Application No. PA/a/2004/000052
- Costa Rica Patent Application - Tropicana Ref No. 0885-0121.01



David L. Wilson 3 - 30 - 04

Please type a plus sign (+) inside this box → ☒

PTO/SB/82 (10-00)

Approved for use through 10/31/2002. OMB 0661-0036

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REVOCATION OF POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

Application Number	PCT/US02/20586
Filing Date	July 3, 2001
First Named Inventor	Keithly
Group Art Unit	
Examiner Name	
Attorney Docket Number	Tropicana Ref No. 0883-0157

I hereby revoke all previous powers of attorney or authorizations of agent given in the above-identified application:

☐ A Power of Attorney or Authorization of Agent is submitted herewith.

OR

☐ Please change the correspondence address for the above-identified application to:

☐ Customer Number



Place Customer
Number Bar Code
Label here

OR

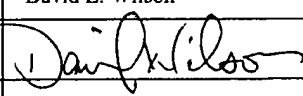
<input checked="" type="checkbox"/> Firm or Individual Name	E. J. Asbury III, LLC				
Address	3330 Cumberland Boulevard				
Address	Suite 500				
City	Atlanta				
Country	United States	State	GA	ZIP	30339
Telephone	770 - 933 - 6850	Fax	404 - 795 - 1025		

I am the:

☒ Applicant/Inventor.

☐ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Name	David L. Wilson
Signature	
Date	3-30-04

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

DRIED CITRUS PEEL USE IN COMMERCIAL POULTRY LITTER

the specification of which

(check one) ☐ is attached hereto
☒ was filed on July 3, 2001 as Application Serial
No. 898,997 and was amended on _____ (if
applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendments referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed: None.

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application: None.

I hereby appoint Raymond M. Mehler, Reg. No. 26,306; Fred S. Lockwood, Reg. No. 14,772; Granger Cook, Jr., Reg. No. 18,283; Daniel C. McEachran, Reg. No. 19,804; Edward M. Keating, Reg. No. 20,646; John L. Alex, Reg. No. 22,017; Daniel M. Riess, Reg. No. 24,375; Eugene M. Cummings, Reg. No. 24,398; Gary W. McFarron, Reg. No. 27,357; Edward D. Manzo, Reg. No. 28,139; Joel H. Bock, Reg. No. 29,045; Stephen B. Heller, Reg. No. 30,181; David Lesht, Reg. No. 30,472; Andrew G. Kolomayets, Reg. No. 33,723; Mark J. Murphy, Reg. No. 34,225; Michael J. McGee, Reg. No. 43,789; David M. Mundt, Reg. No. 41,207 and William H. Magidson, Reg. No. 19,902, my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith. Address all telephone calls to Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd. at telephone number (312) 236-8500. Address all correspondence to Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd. 200 West Adams Street, Suite 2850, Chicago, Illinois 60606.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor James H. Keithly
Inventor's signature [Signature] Date: 7-17-01
Residence 1108 D. Avenue, Apt. 2, 619 Casabel Drive, Bradenton, Florida 34209
Citizenship U.S.A.
Post Office Address Same

Full name of second inventor Thomas Taggart
Inventor's signature [Signature] Date: 7-17-01
Residence 5202 34th Avenue W., Bradenton, Florida 34209
Citizenship U.S.A.
Post Office Address Same

Full name of third inventor David L. Wilson
Inventor's signature [Signature] Date: 7-17-01
Residence 48 Lyle Field Road, Jefferson, GA 30549
Citizenship U.S.A.
Post Office Address P.O. Box 481, Jefferson, GA 30549

COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

COMMERCIAL POULTRY LITTER ENHANCEMENT WITH CITRUS SOURCES

the specification of which

(check one) ☐ is attached hereto

☒ was filed on January 14, 2000 as Application Serial

No. 10/046,473 and was amended on _____ (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendments referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

I hereby appoint Raymond M. Mehler, Reg. No. 26,306; Fred S. Lockwood, Reg. No. 14,772; Granger Cook, Jr., Reg. No. 18,283; Daniel C. McEachran, Reg. No. 19,804; Edward M. Keating, Reg. No. 20,646; John L. Alex, Reg. No. 22,017; Daniel M. Riess, Reg. No. 24,375; Eugene M. Cummings, Reg. No. 24,398; James S. Pristelski, Reg. No. 27,222; Gary W. McFarron, Reg. No. 27,357; Edward D. Manzo, Reg. No. 28,139; Joel H. Bock, Reg. No. 29,045; Stephen B. Heller, Reg. No. 30,181; David Lesht, Reg. No. 30,472; Andrew G. Kolomayets, Reg. No. 33,723; Mark J. Murphy, Reg. No. 34,225; Michael J. McGee, Reg. No. 43,789; David M. Mundt, Reg. No. 41,207; William H. Magidson, Reg. No. 19,902 and Renee C. Lewald, Reg. No. 48,356, my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith. Address all telephone calls to Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd. at telephone number (312) 236-8500. Address all correspondence to Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd. 200 West Adams Street, Suite 2850, Chicago, Illinois 60606.

I hereby declare that all statements made hereof of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor James H. Keithly

Inventor's signature James H. Keithly

Date: 6-28-02

Residence 1108 De Narvaez Avenue, Bradenton, Florida 34209

Citizenship U.S.A.

Post Office Address Same

Full name of second inventor Thomas Taggart


Inventor's signature Thomas Taggart

Date: 6-28-02

Residence 5202 34th Avenue W., Bradenton, Florida 34209

Citizenship U.S.A.

Post Office Address Same


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 7 of 50

Images Description and Claims (168 Kb)

(12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT
COOPERATION TREATY (PCT)

(11) WO 03/059046

(13) A1

(21) PCT/US02/20586

(22) 27 June 2002 (27.06.2002)

(25) English

(26) English

(30) 10/046,473

14 January 2002
(14.01.2002)

US

(43) 24 July 2003 (24.07.2003)

(51)⁷ A01K 1/015

(54) COMMERCIAL POULTRY LITTER ENHANCEMENT WITH *CITRUS*
SOURCES

(71) TROPICANA PRODUCTS, INC. [US/US]; 1001 13th Avenue E., Bradenton,
FL 34208 (US).

(72) KEITHLY, James, H.; 619 Casabella Drive, Bradenton, FL 34209 (US).
TAGGART, Thomas; 5202 34th Avenue W., Bradenton, FL 34209 (US).

(74) MEHLER, Raymond, M., et al; Cook, Alex, McFarron, Manzo, Cummings &
Mehler, Ltd., 200 West Adams, Suite 2850, Chicago, IL 60606 (US).

(81) AE, AG, AL, AM, AT (utility model), AT, AU, AZ, BA, BB, BG, BR, BY, BZ,
CA, CH, CN, CO, CR, CU, CZ (utility model), CZ, DE (utility model), DE, DK
(utility model), DK, DM, DZ, EC, EE (utility model), EE, ES, FI (utility model),
FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ,
LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NO,
NZ, OM, PH, PL, PT, RO, RU, SD, SE, SG, SI, SK (utility model), SK, SL, TJ,
TM, TN, TR, TT, TZ, UA, UG, UZ, VN, YU, ZA, ZM, ZW

(84) ARIPO patent (GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZM, ZW),
Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent
(AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE,
TR), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE,
SN, TD, TG)

For information on time limits for entry into the national phase please click here

Published

-- with international search report

(57) Disclosed is an improved poultry bedding litter composition and uses
incorporating the bedding litter composition. The litter composition includes
byproduct or waste material from *citrus* juice extraction. The *citrus* peel byproduct or
waste litter compositions improve poultry characteristics and enhance feed conversion

when compared with traditional poultry bedding litters such as wood shavings. They also reduce ammonia formation and are very beneficial in addressing litter beetle problems.



7 of 50

GRANGER COOK, JR.
EDWARD M. KEATING
JOHN L. ALEX
DANIEL M. RIESS
EUGENE M. CUMMINGS
JAMES S. PRISTELSKI
GARY W. MCFARRON
RAYMOND M. MEHLER
EDWARD D. MANZO
JOEL H. BOCK
STEPHEN B. HELLER
DAVID LESHT
ANDREW G. KOLOMAYETS
MARK J. MURPHY
MICHAEL J. MCGEE
DAVID M. MUNDT
RENÉE C. LEWALD

**COOK, ALEX, MCFARRON, MANZO,
CUMMINGS & MEHLER, LTD.**

ATTORNEYS AND COUNSELORS AT LAW
INTELLECTUAL PROPERTY MATTERS

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OF COUNSEL
FRED S. LOCKWOOD
WILLIAM H. MAGIDSON
DANIEL C. MCEACHRAN

January 15, 2003

FEDERAL EXPRESS

E. J. Asbury III, Esq.
Bockhop & Reich, LLP
Intellectual Property Attorneys
3300 Cumberland Boulevard
Suite 500
Atlanta, Georgia 30339

RE: Our Case 0876-0157.01 -
New Continuation U.S. Patent Application -
"Commercial Poultry Litter Enhancement With Citrus Sources" -
Keithly, Taggart & Wilson

Dear Mr. Asbury:

We understand you are representing Mr. David L. Wilson concerning the citrus peel poultry litter technology. In your capacity as Mr. Wilson's current patent attorney, we provide you with the following information.

We have filed a continuation application which is identified above. This continuation application is from a continuation-in-part of now-allowed U.S. Application Serial No. 09/898,997, in which Mr. Wilson is named as a co-inventor with Messrs. Keithly and Taggart of Tropicana Products, Inc.

The CIP application added certain information to the 09/898,997 application from which priority was claimed. Included in this information were the results of testing which took place after the 09/898,997 application was filed.

Mr. James H. Keithly

January 15, 2003

Page 2

Enclosed is a copy of each of the following:

1. Office Action of September 6, 2002 and Extension of Time for the originally filed CIP application, which is Serial No. 10/046,473. Also enclosed are copies of the prosecution history of the CIP. Note the application itself is the same as the present continuation. This original CIP application will now become abandoned.
2. The continuation of the CIP application. This contains the same subject matter as the original CIP application.
3. An Amendment Prior to First Office Action, which accompanied the continuation of the CIP application. This amends the claims and adds claims.
4. A Combined Declaration and an Assignment to Tropicana Products, Inc.

You will note from these enclosures that this continuation application was filed without a Declaration. As you know, a Notice of Missing Parts will be received by us. In anticipation of this, we ask that you arrange to have Mr. Wilson execute the enclosed Combined Declaration after he has had an opportunity to read the enclosed application. Please then return the signed Declaration to us.

Also enclosed is an Assignment for execution by Mr. Wilson before a notary public. We look forward to receipt of the executed Assignment document.

Should Mr. Wilson or you have any questions, please feel free to ask me. Thank you for your cooperation.

Yours very truly,

Cook, Alex, McFarron, Manzo,
Cummings & Mehler, Ltd.



Raymond M. Mehler

RMM/vk

Enclosures

cc: Mr. Rocco Simonetta (w/o enclosures)
Lars Johnson, Esq. (w/o enclosures)

COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

COMMERCIAL POULTRY LITTER ENHANCEMENT WITH CITRUS SOURCES

the specification of which

(check one) ☐ is attached hereto

☒ was filed on January 15, 2003 as Application Serial No. 10/342,481 and was amended on _____ (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendments referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed: None.

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Serial No. 10/046,473, filed January 14, 2002.

Serial No. 09/898,997, filed July 3, 2001.

I hereby appoint Raymond M. Mehler, Reg. No. 26,306; Fred S. Lockwood, Reg. No. 14,772; Granger Cook, Jr., Reg. No. 18,283; Daniel C. McEachran, Reg. No. 19,804; Edward M. Keating, Reg. No. 20,646; John L. Alex, Reg. No. 22,017; Daniel M. Riess, Reg. No. 24,375; Eugene M. Cummings, Reg. No. 24,398; James S. Pristelski, Reg. No. 27,222; Gary W. McFarron, Reg. No. 27,357; Edward D. Manzo, Reg. No. 28,139; Joel H. Bock, Reg. No. 29,045; Stephen B. Heller, Reg. No. 30,181; David Lesht, Reg. No. 30,472; Andrew G. Kolomayets, Reg. No. 33,723; Mark J. Murphy, Reg. No. 34,225; Michael J. McGee, Reg. No. 43,789; David M. Mundt, Reg. No. 41,207; William H. Magidson, Reg. No. 19,902; Renee C. Lewald, Reg. No. 48,356 and Panasarn Aim Jirut, Reg. No. 51,849, my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith. Address all telephone calls to Cook, Alex, McFarron,


Manzo, Cummings & Mehler, Ltd. at telephone number (312) 236-8500. Address all correspondence to Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd. 200 West Adams Street, Suite 2850, Chicago, Illinois 60606.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor James H. Keithly
Inventor's signature _____ Date: _____
Residence 1108 De Narvaez Ave. Bradenton, Florida 34209
Citizenship U.S.A.
Post Office Address Same

Full name of second inventor Thomas Taggart
Inventor's signature _____ Date: _____
Residence 5202 34th Avenue W., Bradenton, Florida 34209
Citizenship U.S.A.
Post Office Address Same

Full name of third inventor David L. Wilson
Inventor's signature *David L. Wilson* Date: 4/23/2003
Residence 48 Lyle Field Road, Jefferson, GA 30549
Citizenship U.S.A.
Post Office Address P.O. Box 481, Jefferson, GA 30549


 Français 
 9 of 50

Images Description and Claims (118 Kb)

(12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT
COOPERATION TREATY (PCT)

(11) WO 03/003818

(13) A2

(21) PCT/US02/20590

(22) 27 June 2002 (27.06.2002)

(25) English

(26) English

(30) 09/898,997

03 July 2001
(03.07.2001)

US

(43) 16 January 2003 (16.01.2003)

(51)⁷ A01K

(54) DRIED *CITRUS* PEEL USE IN COMMERCIAL POULTRY LITTER

(71) TROPICANA PRODUCTS, INC. [US/US]; 1001 13th Avenue E., Bradenton,
FL 34208 (US).

(72) KEITHLY, James, H.; 619 Casabella Drive, Bradenton, FL 34209 (US).
TAGGART, Thomas; 5202 34th Avenue W., Bradenton, FL 34209 (US).
WILSON, David, L.; 48 Lyle Field Road, Jefferson, GA 30549 (US).

(74) MEHLER, Raymond, M.; Cook, Alex, McFarron, Manzo, Cummings &
Mehler, Lt, d., 200 West Adams, Suite 2850, Chicago, IL 60606 (US).

(81) AE, AG, AL, AM, AT (utility model), AT, AU, AZ, BA, BB, BG, BR, BY, BZ,
CA, CH, CN, CO, CR, CU, CZ (utility model), CZ, DE (utility model), DE, DK
(utility model), DK, DM, DZ, EC, EE (utility model), EE, ES, FI (utility model),
FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ,
LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NO,
NZ, OM, PH, PL, PT, RO, RU, SD, SE, SG, SI, SK (utility model), SK, SL, TJ,
TM, TN, TR, TT, TZ, UA, UG, UZ, VN, YU, ZA, ZM, ZW

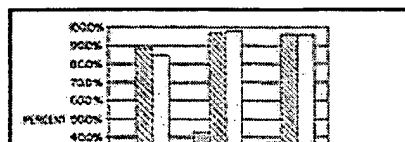
(84) ARIPO patent (GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZM, ZW),
Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent
(AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE,
TR), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE,
SN, TD, TG)

[For information on time limits for entry into the national phase please click here](#)

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-- *without international search report and to be republished upon receipt of that
report*

(57) Disclosed is an improved poultry bedding
litter composition and uses incorporating the
bedding litter composition. The litter



composition includes byproduct or waste material from *citrus* juice extraction. The *citrus* peel byproduct or waste is in a dried state. Such bedding litter compositions improve poultry characteristics and enhance feed conversion when compared with traditional poultry bedding litters such as wood shavings.



9 of 50

EJ Asbury

From: Raymond Mehler [rmehler@cammcm.com]
Sent: Tuesday, January 20, 2004 12:10 PM
To: E. J. Asbury III
Cc: Lars Johnson (Lars Johnson)
Subject: Dried Citrus Peel in Commercial Poultry Litter - Keithly, Taggart & Wilson

Importance: High

Dear Mr. Asbury:

We have arranged to file a Brazilian national phase patent application off of the PCT application which is based on the US application for the dried citrus peel in commercial poultry litter. We believe you have information from us on the US and PCT matters.

Despite filing via the PCT, Brazil requires Assignment documentation. Normally, this is accomplished by submitting a copy of the Assignment which had been executed in connection with filing the US application. As you know, Mr. David Wilson has not yet executed any Assignments for any subject matter with Tropicana. This requirement causes us to once again raise this issue. Please respond to these questions.

1. Will Mr. Wilson sign the US Assignment which we had set up for him to sign in the past?
2. If not, will Mr. Wilson sign at least an Assignment specific for Brazil?

If the answer to 1 is affirmative, we will be pleased to send another US Assignment. If the answer to 2 is negative and to 1 is affirmative, we will be pleased to send the Brazil-specific Assignment.

Please let us have your answer AS SOON AS POSSIBLE, as we are under a deadline to complete this matter in Brazil. We would appreciate receiving your response by JANUARY 28. Thank you.

Raymond M. Mehler
Cook, Alex, McFarron, Manzo, Cummings & Mehler
200 West Adams Street, Suite 2850
Chicago, Illinois 60606 USA
Phone: 312-236-8500 (Ext 8536)
Fax: 312-236-8176 (Fax)

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THE LAW OFFICES OF
E. J. ASBURY III, LLC
Patents • Trademarks • Copyrights

E. J. Asbury III, M.S. Esq.
Registered Patent Attorney

3330 Cumberland Boulevard
Suite 500
Atlanta, Georgia 30339-5985

Phone: (770) 933-6850
FAX: (404) 795-1025
ejasbury@bellsouth.net

January 28, 2004

VIA FACSIMILE & E-MAIL

Raymond Mehler,
Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd.
200 West Adams St
Suite 2850
Chicago, IL 60606

Re: WO 03/003818 - "Dried Citrus Peel Use in Commercial Poultry Litter"

Dear Mr. Mehler:

What PCT applications? To date we have received no information from your office on any PCT applications. If you feel this is incorrect, please respond with the dates, and in what form, information on PCT applications was forwarded. You are the attorney of record in the U.S. applications, you have asked for and received power of attorney to represent inventor David Wilson, we demand you keep Mr. Wilson informed of all patent prosecution matters both in the U.S. and Internationally. I have reviewed the WIPO resources to locate and identify the PCT applications for which Mr. Wilson is an inventor. The 30 month national stage deadline for the WO 03/003818 international patent application is February 3, 2004. Please respond **immediately** with a list of the countries in which you have filed to enter the national stage, and the countries in which you will file to enter the national stage.

Build the Wall Before the BattleSM

Raymond Mehler,
January 28, 2004
Page 2

In response to the questions posed in your E-mail of January 20:

Will Mr. Wilson assign the U.S. Patent No. 6,523,496 to Tropicana?

No, Mr. Wilson will not assign the U.S. patent to Tropicana. We have previously requested that Tropicana make a meaningful offer to purchase Mr. Wilson's patent rights. Tropicana has declined to enter any meaningful negotiations concerning the purchase of Mr. Wilson's patent rights. As recently as September of 2003, I forwarded an offer to assign Mr. Wilson's interests in the patent portfolio in exchange for a reasonable royalty to Mr. Lars Johnson representing Tropicana. Mr. Johnson declined the offer and further declined to provide any counter-offer.

Will Mr. Wilson sign an assignment specific to Brazil?

No, Mr. Wilson will not assign his Brazilian patent rights, see above. I would suggest that Tropicana assign the Brazilian patent rights to Mr. Wilson. I have been researching the Brazilian rules concerning national stage filing. I will contact your office shortly to discuss an appropriate resolution.

A further review of the WIPO resources identifies a 2nd PCT application WO 059046 – "Commercial Poultry Litter Enhancement with Citrus Sources" which it appears you have filed on behalf of Tropicana. The application **does not name** David Wilson as an inventor. However, the (49) claims contained in the PCT '046 application are **identical** to the (49) claims contained in U.S. Application No. U.S. 2003/0164144 A1, in which Mr. Wilson is a named inventor. As recent as January 13, 2004, we provided your office with a terminal disclaimer and filing fees for the U.S. '144 application. Please state why David Wilson is not a named inventor in the WO 059046 application. Please immediately add David Wilson as a named inventor into the WO 059046 application. Please respond to this request no later than February 4, 2004.

Raymond Mehler,
January 28, 2004
Page 3

Yours Very Truly,

A handwritten signature in cursive script, appearing to read "E. J. Asbury III".

E. J. Asbury III, Esq.

EJ Asbury

From: E J Asbury
Sent: Thursday, October 03, 2002 4:07 PM
To: rmehler@cammmcm.com
Subject: Wilson Patent Application

Mr. Mehler

Thank you for returning my call of September 25, 2002, earlier this week. As you requested during our teleconference, I confirm that we represent David Wilson in connection U.S. Patent Application Serial No. 09/898,997, "Dried Citrus Peel Use in Commercial Poultry Litter." Please confirm my understanding that your firm filed and is prosecuting the '997 application. As we discussed during our conference, please also send copies of all papers filed with or received from the PTO in connection with the '997 application or any other application claiming priority to the '997 application to the address below so that they arrive no later than October 11, 2002. If you anticipate being unable to forward the copies within that timeframe, please let us know so that we may agree upon an appropriate schedule.

Sincerely

E.J. Asbury III, Esquire
Bockhop & Reich, LLP
Intellectual Property Attorneys
3300 Cumberland Boulevard
Suite 500
Atlanta, Georgia 30339

770-933-6850 (direct line)
770-291-2125 (main)
770-291-2126 (fax)

E-Mail: asbury@bockhopreich.com
Web Site: www.bockhopreich.com

THE INFORMATION CONTAINED IN THIS E-MAIL IS INTENDED ONLY FOR THE ABOVE RECIPIENT, AND IS ATTORNEY-CLIENT PRIVILEGED AND MAY HAVE OTHER LEGALLY PRIVILEGED STATUS. IF YOU ARE NOT THE INTENDED RECIPIENT OF THIS E-MAIL, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION OR USE OF THIS COMMUNICATION IS UNLAWFUL. PLEASE NOTIFY US IMMEDIATELY IF YOU RECEIVE THIS E-MAIL IN ERROR AND DISPOSE OF THIS E-MAIL. THANK YOU.

1/30/2004

EJ Asbury

From: EJ Asbury [ejasbury@bellsouth.net]
Sent: Monday, April 14, 2003 3:46 PM
To: 'rmehler@cammmcm.com'
Subject: RE: Tropicana - David L. Wilson

Mr. Mehler,

I represent David L. Wilson in the patent and patent applications upon which he is an inventor along with employees of Tropicana Products, Inc. I will have Mr. Wilson execute the Declaration/Power of Attorney and I will promptly forward the same to you.

Mr. Wilson will not be executing an assignment at this time. In a recent teleconference with Mr. David Cline, Rocco Simonetta suggested that the patent council negotiate the assignment. I would like to enter into discussions concerning the assignment of the patent portfolio, including issued U.S. Patent 6,523,496, divisional application your ref number 0876-1121.01 and continuation in part application U.S. 10/046,473 which after a restriction requirement has been filed as continuation application U.S. 10/342,481. Please verify no other applications have been filed which claim priority to the portfolio above. Please confirm with Tropicana your ability to negotiate the portfolio assignment and advise.

I would also like to reiterate my previous request to be copied on all correspondence filed with or received from the PTO in connection with the portfolio above, or any other application claiming priority to the portfolio, at the address below.

Sincerely

E.J. Asbury

E. J. Asbury III, LLC
Intellectual Property Law
3330 Cumberland Boulevard
Suite 500
Atlanta, Georgia 30339-5985
770 - 933 - 6850 (direct line)
404 - 795 - 1025 (fax)
ejasbury@bellsouth.net

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-----Original Message-----

From: Raymond Mehler [mailto:rmehler@cammmcm.com]
Sent: Monday, April 14, 2003 11:08 AM
To: ejasbury@bellsouth.net
Subject: Tropicana - David L. Wilson

Dear Mr. Asbury:

I note from relevant websites that you have formed E.J. Asbury III, LLC when certain attorneys from the Bockhop & Reich firm joined Arnall Golden Gregory.

Not having received information to the contrary, I understand you still represent David L. Wilson in patent matters, and specifically in the matter with Tropicana Products, Inc.

I had written you on January 15, 2003 concerning the continuation patent application entitled "Commercial Poultry Litter Enhancement with Citrus Sources". This letter reported on the filing of this application and forwarded a Combined Declaration and an Assignment. This letter was not returned, so I assume it did reach you safely.

In any event, I had received a Notice of Missing Parts on this application. The due date is May 4, 2003. For your convenience, attached are the Declaration and the Assignment. If in fact you do still represent Mr. Wilson in this matter, please have him sign and date the Combined Declaration and return it to me as soon as conveniently possible. The same request is made for the Assignment to Tropicana Products, Inc., which you will know needs to be signed before a Notary Public.

Thank you for your assistance.

Raymond M. Mehler
Cook, Alex, McFarron, Manzo, Cummings & Mehler
200 West Adams Street, Suite 2850
Chicago, Illinois 60606 USA
Phone: 312-236-8500 (Ext 36)
Fax: 312-236-8176 (Fax)

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E. J. Asbury III, M.S. Esq.
Registered Patent Attorney

3330 Cumberland Boulevard
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Atlanta, Georgia 30339-5985

Phone: (770) 933-6850
FAX: (404) 795-1025
ejasbury@bellsouth.net

January 30, 2004

VIA FACSIMILE & E-MAIL

Raymond Mehler,
Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd.
200 West Adams St
Suite 2850
Chicago, IL 60606

Re: Information on PCT applications.

Mr. Mehler:

In reference to our teleconference of this afternoon, you stated that you saw no need to notify Mr. Wilson you had filed a PCT patent application (bearing his name as an inventor), nor any need to keep Mr. Wilson informed on the PCT application (for which he was a named inventor), because Mr. Wilson had not requested to be kept informed on PCT applications, but only U.S. applications. Please see the attached E-mails of October 3, 2002, and April 14, 2003.

As stated in the E-mail of October 3, 2002:

“As we discussed during our conference, please also send copies of all papers filed with or received from the PTO in connection with the '997 application or any other application claiming priority to the '997 application to the address below so that they arrive no later than October 11, 2002.”

As stated in the E-mail of April 14, 2003:

“I would like to enter into discussions concerning the assignment of the patent portfolio, including issued U.S. Patent 6,523,496, divisional application your ref number 0876-1121.01 and continuation in part application U.S. 10/046,473 which after a restriction

Build the Wall Before the BattleSM

Raymond Mehler,
January 30, 2004
Page 2

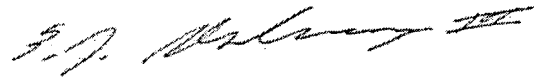
requirement has been filed as continuation application U.S. 10/342,481. Please verify no other applications have been filed which claim priority to the portfolio above.

...

I would also like to reiterate my previous request to be copied on all correspondence filed with or received from the PTO in connection with the portfolio above, or any other application claiming priority to the portfolio, at the address below."

We note that the PCT application WO 03/003818 - "Dried Citrus Peel Use in Commercial Poultry Litter" was filed on June 27, 2002. The PCT application claims priority to the U.S. '997 application referenced above, which has now matured to issued U.S. Patent No. 6,523,496. We note that you filed the PCT application with the International Receiving Office of the United States Patent and Trademark Office (PTO). I see no need to repeat our requests.

Regards,

A handwritten signature in dark ink, appearing to read "E. J. Asbury III", with a stylized flourish at the end.

E. J. Asbury III, Esq.

THE LAW OFFICES OF
E. J. ASBURY III, LLC
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E. J. Asbury III, M.S. Esq.
Registered Patent Attorney

3330 Cumberland Boulevard
Suite 500
Atlanta, Georgia 30339-5985

Phone: (770) 933-6850
FAX: (404) 795-1025
ejasbury@bellsouth.net

January 30, 2004

VIA FACSIMILE & E-MAIL

Raymond Mehler,
Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd.
200 West Adams St
Suite 2850
Chicago, IL 60606

Re: WO 03/003818 - "Dried Citrus Peel Use in Commercial Poultry Litter"

Mr. Mehler:

A clarification to my letter of January 28th, the 31 month national stage deadline for the WO 03/003818 international patent application is February 3, 2004. The 30 month national stage deadline expired on January 3, 2004. You have provided no information to date regarding in what 30 month countries a national stage application has been filed. Mr. Wilson was given no opportunity to review your choices, or suggest additional countries, or file an application in an additional country. For those countries with a 30 month deadline, Mr. Wilson's rights to do so have now expired. As we both are aware, some countries allow a 31 month deadline to enter the national stage. The 31 month national stage deadline will expire February 3, 2004. We demand to know what countries you have filed to enter the national stage. **Please advise immediately.**

In regard to the Brazilian national stage application. Brazil requires entry into the national phase by 30 months, I assume you have already filed a national stage application in Brazil. Again, please advise as to which countries you have entered the national phase. I have been in contact with local patent counsel in Brazil. I understand that for a term of 60 (sixty) days following the filing date of the national stage application in Brazil, the attorney who effected the

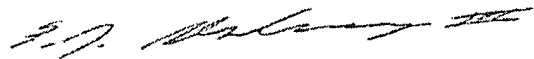
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Raymond Mehler,
January 30, 2004
Page 2

Brazilian application may submit a Petition of Clarification. In cases where the application has not been assigned by one inventor, the Petition of Clarification would indicate that there must appear as applicants both the company, Tropicana in this instance, and the inventor, Mr. David Wilson. The attorney must also submit a Power of Attorney both from the company (Tropicana) and from the inventor (David Wilson), together with the assignment from the two other inventors to the company (Tropicana). It is not necessary for David Wilson to assign his Brazilian patent rights to Tropicana to allow the Brazilian application to proceed. As you have provided no information on any national stage filings, I do not know the date the Brazilian national stage application was filed. Please contact me immediately and we will discuss a resolution. As a Petition of Clarification may require Mr. Wilson's signature, and may only be filed 60 (sixty) days from the filing date of the application, time is of the essence.

I again request clarification on PCT application WO 059046 – "Commercial Poultry Litter Enhancement with Citrus Sources" which it appears you have filed on behalf of Tropicana. The application **does not name** David Wilson as an inventor. However, the (49) claims contained in the PCT '046 application are **identical** to the (49) claims contained in U.S. Application No. U.S. 2003/0164144 A1, in which Mr. Wilson is a named inventor. As recent as January 13, 2004, we provided your office with a terminal disclaimer and filing fees for the U.S. '144 application. Please state why David Wilson is not currently a named inventor in the WO 059046 application. Please immediately add David Wilson as a named inventor into the WO 059046 application. Please respond to this request no later than February 4, 2004.

Regards,



E. J. Asbury III, Esq.

EJ Asbury

From: Raymond Mehler [rmehler@cammmcm.com]
Sent: Friday, January 30, 2004 5:14 PM
To: E. J. Asbury III
Cc: Lars Johnson (Lars Johnson)
Subject: Wilson/Tropicana



0876-0121 List of
Filings.pdf ...

Dear Mr. Asbury:

Here is a list of the countries you requested a short while ago.

Raymond M. Mehler
Cook, Alex, McFarron, Manzo, Cummings & Mehler
200 West Adams Street, Suite 2850
Chicago, Illinois 60606 USA
Phone: 312-236-8500 (Ext 8536)
Fax: 312-236-8176 (Fax)

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Matters Listing

(Matter ID contains '0121') and Client Sort begins with 'Tropicana'

Client	Matter Description	Area of Law	Matter ID
Tropicana Products, Inc.	US Patent - Dried Citrus Peel Use in	Patent Prosecution	0876-0121
Tropicana Products, Inc.	US Patent - Commercial Poultry Litter	Patent Prosecution	0876-0121.01
Tropicana Products, Inc.	US Patent - Commercial Poultry Litter	Patent Prosecution	0876-0121.02
Tropicana Products, Inc.	PCT Patent - Dried Citrus Peel Use in	Patent Prosecution	0883-0121
Tropicana Products, Inc.	Norway Patent - Dried Citrus Peel Use in	Patent Prosecution	0883-0121.01
Tropicana Products, Inc.	Russian Federation Patent - Dried Citrus	Patent Prosecution	0883-0121.02
Tropicana Products, Inc.	EPO Patent - Dried Citrus Peel Use in	Patent Prosecution	0883-0121.03
Tropicana Products, Inc.	Portugal Patent - Dried Citrus Peel Use in	Patent Prosecution	0883-0121.04
Tropicana Products, Inc.	Poland Patent - Dried Citrus Peel Use in	Patent Prosecution	0883-0121.05
Tropicana Products, Inc.	Israel Patent - Dried Citrus Peel Use in	Patent Prosecution	0883-0121.06
Tropicana Products, Inc.	Australia Patent - Dried Citrus Peel Use in	Patent Prosecution	0884-0121
Tropicana Products, Inc.	New Zealand Patent - Dried Citrus Peel Use	Patent Prosecution	0884-0121.01
Tropicana Products, Inc.	Brazil Patent - Dried Citrus Peel Use in	Patent Prosecution	0885-0121
Tropicana Products, Inc.	Costa Rica Patent - Dried Citrus Peel Use in	Patent Prosecution	0885-0121.01
Tropicana Products, Inc.	Mexico Patent - Dried Citrus Peel Use in	Patent Prosecution	0886-0121

ORANGER COOK, JR.
JOHN L. ALEX
DANIEL M. RIESS
EUGENE M. CUMMINGS
JAMES S. PRISTELSKI
GARY W. McFARRON
RAYMOND M. MEHLER
EDWARD D. MANZO
JOEL H. BOCK
STEPHEN B. HELLER
DAVID LESHT
ANDREW G. KOLOMAYETS
MARK J. MURPHY
MICHAEL J. McGEE
DAVID H. MUNDT
RENÉE C. BARTHEL
LOUIS J. ALEX
JEANA R. LERVICK
MICHAEL D. ZARONIAS

COOK, ALEX, McFARRON, MANZO,
CUMMINGS & MEHLER, LTD.

ATTORNEYS AND COUNSELORS AT LAW
INTELLECTUAL PROPERTY MATTERS
200 WEST ADAMS STREET - SUITE 2850
CHICAGO, ILLINOIS 60606

TELEPHONE
(312) 236-8500

FACSIMILE
(312) 236-8176

EMAIL
FIRM@CAMMCM.COM

OF COUNSEL
FRED S. LOCKWOOD
WILLIAM H. MAGIDSON
DANIEL C. McEACHRAN
EDWARD M. KEATING

February 24, 2004

VIA FEDERAL EXPRESS & EMAIL

Dannemann Siemsen Bigler &
Ipanema Moreira
ATTN: Carlos Cezar Cordeiro Pires
Rau Marquês de Olinda, 70
22251-040 Rio De Janeiro - RJ
BRAZIL

Re: Brazilian Application No. PI0210832-1
DRIED CITRUS PEEL USE IN COMMERCIAL
POULTRY LITTER
Applicant: Tropicana Products, Inc.
Your Ref: P124962 (docgen)
Our File: 0885-0121

Dear Sirs:

Further to our letter of February 19, 2004 and our email communications of February 20, enclosed are the fully executed originals of the three documents.

These documents are the Affidavit executed by Mr. Wilson and by Tropicana Products, Inc. the Brazilian Assignment for Messrs Keithly and Taggart to Tropicana, and the Clarke, Modet Power of Attorney executed by Mr. Wilson.

Dannemann Siemsen Bigler &
Ipanema Moreira

-2-

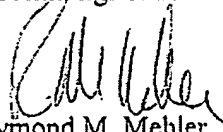
February 24, 2004

Please now proceed with all of the steps needed to complete the formalities in filing this application and to officially show that there are co-applicants Tropicana and Wilson.

Should you require anything further before the deadline of **March 2, 2004** kindly do so promptly.

Yours very truly,

Cook, Alex, McFarron, Manzo,
Cummings & Mehler, Ltd.



Raymond M. Mehler

RMM/vk

Enclosures

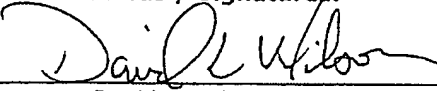
cc: Lars S. Johnson, Esq. (w/o enclosures via email)
E.J. Asbury, Esq. (w/enclosures via email)
Mr. Sandy Long (w/enclosures via mail)

DECLARAÇÃO	AFFIDAVIT
<p>As partes abaixo assinadas atestam, perante o Instituto Nacional da propriedade Industrial (INPI), que o pedido de patente nº PI 0210832-01, cujo título é "uso da casca da planta cítrica seca em refugos de aves domésticas comerciais", depositado no Brasil em 02 de janeiro de 2004 é de sua co-propriedade, da forma como abaixo indicado:</p> <p>66,66% - TROPICANA PRODUCTS, INC. - empresa americana sediada em 13th Avenue E., Brandenton, FL 34208, Estados Unidos da América.</p> <p>33,33% - DAVID L. WILSON - cidadão americano residente à 48 Lyle Field Road, Jefferson, GA 30549, Estados Unidos da América.</p> <p>Ademais, esclarecem as partes que o percentual que hoje cabe à TROPICANA PRODUCTS, INC. lhe foi cedido pelos Srs. James H. Keithly e Thomas Taggart que são, juntamente com o Sr. David L. Wilson, acima citado, inventores e co-requerentes do pedido de patente prioritário nº US 09/898.997 depositado em 3 de julho de 2001, cuja prioridade foi reivindicada no pedido PCT nº. PCT/US02/20590.</p>	<p>The parties indicated below attest before the Brazilian Patent and Trademark Office (BPTO) that the patent application no. PI 0210832-01 entitled "dried citrus peel use in commercial poultry litter", filed in Brazil on January 2, 2004, is co-owned by them, as described below:</p> <p>66,66% - TROPICANA PRODUCTS, INC., a US company, located at 13th Avenue E., Brandenton, FL 34208, United States of America.</p> <p>33,33% - DAVID L. WILSON, a US citizen, resident at 48 Lyle Field Road, Jefferson, GA 30549, United States of America.</p> <p>The parties further state that the percentage to which TROPICANA PRODUCTS, INC. is now entitled was assigned to it by Messrs. James H. Keithly and Thomas Taggart, who are, together with Mr. David L. Wilson, above mentioned, inventors e co-applicants of the priority patent application no. US 09/898.997, filed on July 3, 2001, whose priority was claimed in the PCT application no. PCT/US02/20590.</p>

Local e data / Place and date:

Atlanta Georgia 2-17-2004

Assinaturas / Signatures:

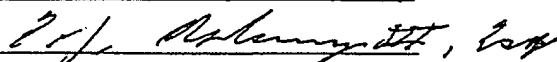

David L. Wilson


Tropicana Products, Inc.,

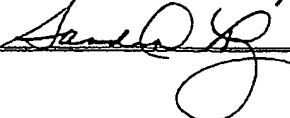
hereby represented by its ASSISTANT SECRETARY, Mr. LARS S. JOHNSON

Testemunhas / Witnesses:

1. Name: E J Asbury III, Esq.
Address: 1205 Lake Colony Dr Marietta, GA 30066

Signature: 

2. Name: SANDRA D. LONK
Address: 1508 W. ARTHUR, 2ND FL, CHICAGO IL 60624

Signature: 

ASSIGNMENT DOCUMENT

By this instrument,

DAVID L. WILSON, US citizen, 48 Lyle Field Road,
Jefferson, GA 30549, US

being Applicants/inventors or assignee of an inven-
tion, entitled:

for which an application has been filed in the Patent
Office of
Country of origin : US
Number: 09/898,997
Filing date: July 03, 2001

hereby assign and transfer to

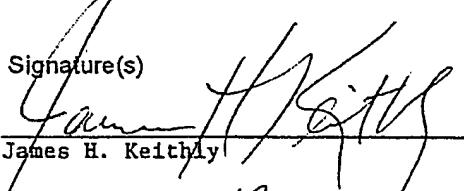
TROPICANA PRODUCTS, INC., US corporation,
1001 13th Avenue East, Bradenton, Florida 33506,
US

all of rights in connection with the said invention in
Brazil, giving full consent in order that said as-
signee may file a corresponding application with
the proper Government Office in Brazil, claiming
the priority(ies) under an international agreement or
convention in which Brazil participates, as well as
ratifying any acts taken by the assignee(s), par-
ticularly regarding the priority claim(s) in question at
the time of filing the corresponding Brazilian patent
application or an international application desig-
nating Brazil.

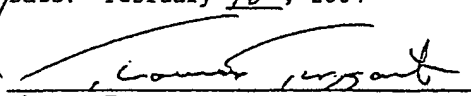
Bradenton, Florida, USA

PLACE and Date (Local e data)

Signature(s)


James H. Keithly

Date: February 12, 2004


Thomas Taggart

Date: February 13, 2004

DOCUMENTO DE CESSÃO

Por esse instrumento,

DAVID L. WILSON, norte-americano, 48 Lyle Field
Road, Jefferson, GA 30549, US

sendo Depositantes / inventor(s) ou cessionários de
uma invenção, intitulada

para o (a) qual foi depositado um pedido na
Repartição de patentes de
País de origem: US
Número : 09/898.997
Data de Depósito: 03 de julho de 2001

cedem e transferem a

TROPICANA PRODUCTS, INC., sociedade norte-
americana, 1001 13th Avenue East, Bradenton, Florida
33506, US

todos de seus direitos em relação à dita invenção no
Brasil, dando seu pleno consentimento para que o
dito cessionário deposite um pedido correspondente
na repartição competente do Brasil reivindicando a(s)
prioridade(s), invocando acordo ou convenção
internacional de que o Brasil participe, bem como
ratificando quaisquer atos praticados pelo/pela(s)
cessionário(a)(s), particularmente a referida
reivindicação de prioridade(s) no ato do depósito do
pedido brasileiro correspondente ou de pedido
internacional designando o Brasil..

THE LAW OFFICES OF
E. J. ASBURY III, LLC
Patents • Trademarks • Copyrights

E. J. Asbury III, M.S. Esq.
Registered Patent Attorney

3330 Cumberland Boulevard
Suite 500
Atlanta, Georgia 30339-5985

Phone: (770) 933-6850
FAX: (404) 795-1025
ejasbury@bellsouth.net

April 5, 2004

VIA FACSIMILE & E-MAIL

Raymond Mehler,
Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd.
200 West Adams St
Suite 2850
Chicago, IL 60606

George W Schlich
MATHYS & SQUIRE
100 Gray's Inn Road
London
WC1X 8AL
United Kingdom

David V. Gibson
Callinan Lawrie
Private Bag 7 Kew
Victoria 3101 Australia

Mr. Carlos A. Fuentes
Basham, Ringe Y Correa, S.C.
Paseo de los Tamarindaos No. 400-A, 9º Piso
Bosques de las Lomas
05120 Mexico, D.F.
Mexico

Mrs. Katherine Camacho Asch
Zurcher, Montoya & Zurcher
Calle 1, Avenidas 9 & 11
Nº 959
San Jose 1000, Costa Rica

Re: Revocation of Power of Attorney in PCT/US02/20590, all national stage patent applications filed from PCT/US02/20590, and PCT/US02/20586.

Build the Wall Before the BattleSM

Mr. Mehler, Schlich, Gibson, Fuentes and Mrs. Asch

The relationship between Tropicana Products, Inc and Mr. David L. Wilson has degraded severely over the past months. As early as June 27, 2002, Tropicana Products, Inc. failed to inform Mr. Wilson of the filing of an international patent application PCT/US02/20590 that bears his name as an un-assigned inventor. All foreign national stage applications filed from the international application above failed to recognize Mr. Wilson's ownership rights. All foreign applications were filed on or before January 3, 2004, again without the knowledge or approval of inventor David Wilson, and failed to recognize Mr. Wilson's clear ownership rights.

To date, the law firm of Cook, Alex, McFarron, Manzo, Cummins & Mehler, Ltd. (the Mehler firm) has failed to correct Mr. Wilson's ownership interests in the foreign applications filed in the EPO, Norway, Israel, Poland, Russia, Australia, New Zealand, Costa Rica, and Mexico. In Brazil, the ownership error has been corrected by a simple one-page affidavit drafted by counsel for David Wilson. The rapid correction of ownership in Brazil was necessitated by a sixty (60) day from the filing date statutory correction period.

All previous powers of attorney to the law firm of Cook, Alex, McFarron, Manzo, Cummins & Mehler, Ltd are hereby revoked. Any powers granted to foreign counsel by the Mehler firm are also revoked. No clear procedure appears to exist under the PCT to revoke a power of attorney granted by a co-inventor, attached please find US PTO form SB/82 revoking powers of attorney granted by David Wilson in the international applications PCT/US02/20590 and PCT/US02/20586.

Mr. Mehler, I take this opportunity to remind you of your ethical and professional obligations. You will take no action that affects the rights of David Wilson in any patent application without the express written permission of David Wilson or his appointed counsel. Specifically, under no circumstances will you withdraw any application, or make modifications to any application upon which David Wilson is a named inventor without the express written permission of David Wilson. Since you have failed to correct David Wilson's ownership

interests in the applications above, Mr. Wilson is a 3rd party in those applications, he has no visibility into the applications, and he has no ability to service the applications. Please copy Mr. Wilson's counsel on all papers regarding the applications in all countries above.

Sincerely

A handwritten signature in black ink, appearing to read "E.J. Asbury III". The signature is written in a cursive, flowing style with a prominent "E" and "J" at the beginning and a stylized "III" at the end.

E.J. Asbury III, LLC

Please type a plus sign (+) inside this box → ☒

PTO/SB/82 (10-00)

Approved for use through 10/31/2002. OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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REVOCATION OF POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

Application Number	PCT/US02/20590 & Attachment A
Filing Date	July 3, 2001
First Named Inventor	Keithly
Group Art Unit	
Examiner Name	
Attorney Docket Number	Tropicana Ref No. 0883-0121

I hereby revoke all previous powers of attorney or authorizations of agent given in the above-identified application:

☐ A Power of Attorney or Authorization of Agent is submitted herewith.

OR

☐ Please change the correspondence address for the above-identified application to:

☐ Customer Number



Place Customer
Number Bar Code
Label here

OR

<input checked="" type="checkbox"/> Firm or Individual Name	E. J. Asbury III, LLC				
Address	3330 Cumberland Boulevard				
Address	Suite 500				
City	Atlanta				
Country	United States	State	GA	ZIP	30339
Telephone	770 - 933 - 6850	Fax	404 - 795 - 1025		

I am the:

☒ Applicant/Inventor.

☐ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Name	David L. Wilson
Signature	
Date	3-30-04

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

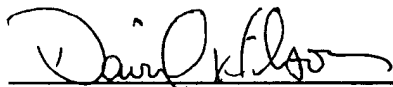
☒ *Total of 1 forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Attachment A

The Revocation of Power of Attorney and attached Substitute Power of Attorney to include International Application PCT / US 02 / 20590 – “Dried Citrus Peel Use in Commercial Poultry Litter” and all National Stage Applications filed drawing priority from PCT / US 02 / 20590, specifically including:

- EPO Application No. 02749698.3
- Russian Federation Application - Tropicana Ref No. 0883-0121.02
- Norwegian Application No. 2004 0032 –
- Israeli Patent Application No. 159 568 –
- Poland Patent Application - Tropicana Ref No. 0883-0121.05
- Australian Patent Application No. 2002320194
- New Zealand Patent Application - Tropicana Ref No. 0884-0121.01
- Brazil Patent Application No. PI 0210832-1
- Mexican Patent Application No. PA/a/2004/000052
- Costa Rica Patent Application - Tropicana Ref No. 0885-0121.01


David L. Wilson 3-30-04

Please type a plus sign (+) inside this box → ☒

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REVOCATION OF POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

Application Number	PCT/US02/20586
Filing Date	July 3, 2001
First Named Inventor	Keithly
Group Art Unit	
Examiner Name	
Attorney Docket Number	Tropicana Ref No. 0883-0157

I hereby revoke all previous powers of attorney or authorizations of agent given in the above-identified application:

☐ A Power of Attorney or Authorization of Agent is submitted herewith.

OR

☐ Please change the correspondence address for the above-identified application to:

☐ Customer Number



Place Customer
Number Bar Code
Label here

OR

<input checked="" type="checkbox"/> Firm or Individual Name	E. J. Asbury III, LLC				
Address	3330 Cumberland Boulevard				
Address	Suite 500				
City	Atlanta				
Country	United States	State	GA	ZIP	30339
Telephone	770 - 933 - 6850	Fax	404 - 795 - 1025		

I am the:

☒ Applicant/Inventor.

☐ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Name	David L. Wilson
Signature	
Date	3-30-04

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

THE LAW OFFICES OF
E. J. ASBURY III, LLC
Patents • Trademarks • Copyrights

E. J. Asbury III, M.S. Esq.
Registered Patent Attorney

3330 Cumberland Boulevard
Suite 500
Atlanta, Georgia 30339-5985

Phone: (770) 933-6850
FAX: (404) 795-1025
ejasbury@bellsouth.net

April 6, 2004

VIA FACSIMILE & E-MAIL

Raymond Mehler
Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd.
200 West Adams St
Suite 2850
Chicago, IL 60606

Re: Revocation of Power of Attorney in All Matters.

Mr. Mehler,

The relationship between Tropicana Products, Inc and Mr. David L. Wilson has degraded severely over the past years. As early as December 14, 2001, your office and another party you represent, Tropicana Products, Inc, failed to inform David Wilson of the filing of patent application Serial No. 10/017,126, "Dried Citrus Peel Supplement for Use in Commercial Poultry Feed." Prior to that date, on July 3, 2001 you had filed U.S. patent application Serial No. 09/898,997 - "Dried Citrus Peel Use in Commercial Poultry Litter," in which Mr. Wilson is a named inventor, along with Tropicana Products employees Mr. Keithly and Mr. Taggart.

When filing the competing '126 application, you provided no notice to Mr. Wilson of your actions in prosecuting a patent application for another party, in an identical art as Mr. Wilson's application, and an application which directly competes with resources used in David Wilson's application. Additionally, you did not provide any opportunity for Mr. Wilson to evaluate his inventive input in the '126 application. You are the attorney of record for all of the aforementioned application, and therefore had knowledge of Mr. Wilson and his potential inventorship in each application. As you are aware, David Wilson has reviewed the '126 application and believes he is properly an inventor in that application.

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Mr. Wilson was unaware of the existence of the competing '126 application until the application published at 18 months on June 19, 2003 as U.S. 2003/0113401. During that time period you continued to represent David Wilson in the preparation and prosecution of U.S. and foreign applications, including:

U.S. application serial number 10/046,473 - "Commercial Poultry Litter Enhancement with Citrus Sources," filed January 14, 2002, and;

U.S. application serial number 10/341,729 - "Commercial Poultry Litter Having Dried Citrus Peel," filed January 14, 2003.

As early as December 14, 2002, your office and Tropicana Products, Inc. failed to inform Mr. Wilson of the filing of an international patent application PCT/US02/20590 that bears his name as an un-assigned inventor. The PCT application failed to recognize Mr. Wilson's clear ownership rights, naming Tropicana Products as the applicant. All foreign national stage applications were filed from the PCT application above between December 1, 2003 and January 3, 2004. Each foreign application named Tropicana as the sole applicant, again failing to recognize Mr. Wilson's ownership rights. All foreign applications were filed without the knowledge or approval of inventor David Wilson, using a power of attorney granted for the U.S. applications, and failed to recognize Mr. Wilson's clear ownership rights by naming Tropicana Products as the sole applicant.

As recently as January 20, 2004, you sent an E-mail regarding a Brazilian national stage application. This was the first notice provided David Wilson of the existence of either a PCT or national stage applications. In your E-mail you stated:

"Despite filing via the PCT, Brazil requires Assignment documentation. Normally, this is accomplished by submitting a copy of the Assignment which had been executed in connection with filing the US application. As you know, Mr. David Wilson has not yet executed any Assignments for any subject matter with Tropicana. This requirement causes us to once again raise this issue."

As you acknowledge above, you clearly knew that David Wilson had not assigned his patent interest as of the filing of the national stage applications in ten foreign countries; Brazil, the EPO, Norway, Israel, Poland, Russia, Australia, New Zealand, Costa Rica, and Mexico. Yet you have filed the national stage applications naming Tropicana Products as the sole applicant, using a power of attorney granted by David Wilson, and without the knowledge or permission of David Wilson.

To date, the law firm of Cook, Alex, McFarron, Manzo, Cummins & Mehler, Ltd. (the Mehler firm) has failed to correct Mr. Wilson's ownership interests in the foreign applications filed in the EPO, Norway, Israel, Poland, Russia, Australia, New Zealand, Costa Rica, and Mexico. In Brazil, the ownership error has been corrected by a simple one-page affidavit drafted by counsel for David Wilson and signed by a representative of Tropicana Products, Inc. and David Wilson. The rapid correction of ownership in Brazil was necessitated by a sixty (60) day from the filing date statutory correction period. A representative for Tropicana Products, Inc. has recently refused to correct the ownership of applications in the EPO, and the other remaining foreign jurisdictions.

All previous powers of attorney to the law firm of Cook, Alex, McFarron, Manzo, Cummins & Mehler, Ltd granted by David L. Wilson are hereby revoked. Any powers granted to foreign counsel by the Mehler firm are also revoked. Attached please find three documents of PTO form SB/82 - Revocation of Power of Attorney signed by David Wilson. One form expressly revokes representation in the 10/342,481 application, another in the 10/671,409 application, and the third is a general revocation of all matters. In my letter of April 5, 2004, you received similar revocations for all PCT and foreign applications.

Mr. Mehler, I take this opportunity to remind you of your ethical and professional obligations. You will take no action that affects the rights of David Wilson in any patent application without the express written permission of David Wilson or his appointed counsel. Specifically, under no circumstances will you withdraw any application, or make modifications to any application upon which David Wilson is a named inventor without the express written permission of David Wilson. Please timely copy Mr. Wilson's counsel on all papers regarding

the applications in all countries above. A petition will be promptly filed under 37 CFR 1.182 requesting the remaining U.S. applications be co-prosecuted by Mr. Wilson's counsel and counsel for Tropicana.

Sincerely

A handwritten signature in black ink, appearing to read "E.J. Asbury III", with a stylized flourish at the end.

E.J. Asbury III, LLC

Please type a plus sign (+) inside this box → ☒

PTO/BB/82 (10-00)

Approved for use through 10/31/2002. OMB 0851-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**REVOCATION OF POWER OF
ATTORNEY OR
AUTHORIZATION OF AGENT**

Application Number	See Attachment A
Filing Date	July 3, 2001 - Priority Date
First Named Inventor	Keithly
Group Art Unit	
Examiner Name	
Attorney Docket Number	

I hereby revoke all previous powers of attorney or authorizations of agent given in the above-identified application:

☐ A Power of Attorney or Authorization of Agent is submitted herewith.

OR

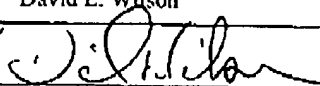
☐ Please change the correspondence address for the above-identified application to:☐ Customer NumberPlace Customer
Number Bar Code
Label here

OR

<input checked="" type="checkbox"/> Firm or Individual Name	E. J. Asbury III, LLC				
Address	3330 Cumberland Boulevard				
Address	Suite 500				
City	Atlanta				
Country	United States	State	GA	ZIP	30339
Telephone	770 - 933 - 6850	Fax	404 - 795 - 1025		

I am the:

☒ Applicant/Inventor.☐ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)**SIGNATURE of Applicant or Assignee of Record**

Name	David L. Wilson
Signature	
Date	4-6-04

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Attachment A

The Revocation of Power of Attorney and Substitute Power of Attorney to include:

- U.S. Patent 6,523,496
- U.S. Patent 6,708,647
- All patent applications, continuations, continuations in part, or divisions, claiming priority to U.S. application Serial No. 09/898,997; specifically including:
 - U.S. application Serial No. 10/046,473
 - U.S. application Serial No. 10/342,481
 - U.S. application Serial No. 10/671,409
 - U.S. application Serial No. 10/341,729



David L. Wilson

Date: 4-6-04

Please type a plus sign (+) inside this box → ☒

PTO/SB/82 (10-00)

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REVOCATION OF POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

Application Number	10/ 671,409
Filing Date	September 25, 2003
First Named Inventor	Keithly
Group Art Unit	3644
Examiner Name	Not Assigned
Attorney Docket Number	C004.P004

I hereby revoke all previous powers of attorney or authorizations of agent given in the above-identified application:

☐ A Power of Attorney or Authorization of Agent is submitted herewith.

OR

☒ Please change the correspondence address for the above-identified application to:

☒ Customer Number

OR



Place Customer
Number Bar Code
in this box
PATENT AND TRADEMARK OFFICE

☐ Firm or
Individual Name

Address

Address

City

Country

State

ZIP

Telephone

Fax

I am the:

☒ Applicant/Inventor.

☐ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Name David L. Wilson

Signature

Date

1-9-2004

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Please type a plus sign (+) inside this box → ☒

PTO/SB/82 (10-00)

Approved for use through 10/31/2002. OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REVOCATION OF POWER OF ATTORNEY OR AUTHORIZATION OF AGENT	Application Number	10/342,481
	Filing Date	January 15, 2003
	First Named Inventor	Keithly
	Group Art Unit	3644
	Examiner Name	Judith A. Nelson
	Attorney Docket Number	C004.P003

I hereby revoke all previous powers of attorney or authorizations of agent given in the above-identified application:

☐ A Power of Attorney or Authorization of Agent is submitted herewith.

OR

☒ Please change the correspondence address for the above-identified application to:

☒ Customer Number 36480



Place Customer Number Barcode
PATENT AND TRADEMARK OFFICE

OR

<input type="checkbox"/> Firm or Individual Name					
Address					
Address					
City					
Country		State		ZIP	
Telephone		Fax			

I am the:

☒ Applicant/Inventor.

☐ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Name	David L. Wilson
Signature	
Date	1-9-2004

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

THE LAW OFFICES OF
E. J. ASBURY III, LLC
Patents • Trademarks • Copyrights

E. J. Asbury III, M.S. Esq.
Registered Patent Attorney

3330 Cumberland Boulevard
Suite 500
Atlanta, Georgia 30339-5985

Phone: (770) 933-6850
FAX: (404) 795-1025
ejasbury@bellsouth.net

April 9, 2004

VIA E-MAIL, FACSIMILE & FEDEX

Raymond Mehler,
Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd.
200 West Adams St
Suite 2850
Chicago, IL 60606

Re: PCT Application PCT US02/20590 - "Dried Citrus Peel Use in
Commercial Poultry Litter"

Mr. Mehler:

As an initial matter, as stated in my letters of April 5, and 6, 2004, all previous powers of attorney to the law firm of Cook, Alex, McFarron, Manzo, Cummins & Mehler, Ltd granted by David L. Wilson are now revoked. Any powers granted to foreign counsel by the Mehler firm purportedly on behalf of Mr. Wilson are also now revoked. You are instructed to take no action that affects the rights of David Wilson in any patent application without the express written permission of David Wilson or his appointed counsel. Specifically, under no circumstances will you withdraw any application, or make modifications to any application upon which David Wilson is a named inventor without the express written permission of David Wilson. Please timely copy Mr. Wilson's counsel on all papers regarding the applications in all countries. Please acknowledge receipt of this letter and the April 5 and 6, 2004 letters revoking all powers of attorney granted your firm.

In response to your letter of March 29, 2004, based upon my understanding, and your admission, that you were not involved in negotiations between Tropicana and Mr. Wilson, you do not have any personal knowledge of what transpired in those negotiations and you should not comment on those negotiations. In an E-mail dated April 24, 2003, you suggested I contact Mr. Lars Johnson, the senior Tropicana corporate attorney, to negotiate the acquisition of Mr. Wilson's rights. For your information, Mr. Wilson formally invited Tropicana to enter

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negotiations in an E-mail to Mr. Johnson dated April 30, 2003. In teleconferences with Mr. Johnson on September 30 and October 2, 2003, an offer was extended, by Mr. Wilson's counsel, to Tropicana for the acquisition of Mr. Wilson's rights. Mr. Johnson declined the offer and asserted an offer of \$100,000 for the full assignment of Mr. Wilson's rights in the invention. Mr. Wilson declined that offer. Mr. Wilson extended a revised offer to Tropicana for assignment of his interests as recently as March 12, 2004. Tropicana has failed to respond in any form to Mr. Wilson's most recent offer.

Mr. Mehler, you have clearly known since January 28, 2004 that Mr. Wilson wished to have the misrepresentation of his ownership interests corrected in all foreign national stage applications. In the more than two months since the error was brought to your attention, you have failed to affirmatively correct your misrepresentation of the foreign patent application ownership for the EPO, Norway, Israel, Poland, Russia, Australia, New Zealand, Costa Rica, and Mexico. In Brazil, the ownership error has been corrected by a simple one-page affidavit drafted by counsel for David Wilson and signed by a representative of Tropicana Products, Inc. and David Wilson. If you feel the ownership has been corrected in foreign applications other than Brazil, please so state, and forward the documentation reflecting the correction. Please provide your response by April 15, 2004, otherwise we will conclude the other countries have not been corrected.

In response to your statement, "In exchange for Mr. Wilson's continued prosecution of any such non-US patent applications, Tropicana is willing to forego requiring any reimbursement for the considerable funds Tropicana has already expended for such non-US applications." Tropicana is no position to "require" David Wilson to do anything. Tropicana and your firm has failed to provide David Wilson with any notice that you were filing foreign applications bearing David Wilson's name as an un-assigned co-inventor, and such applications were filed using a power of attorney granted your firm by Mr. Wilson. Despite your professional and ethical obligations to keep Mr. Wilson informed of all salient actions that affect his rights, and despite prior written request from Mr. Wilson's counsel that you keep Mr. Wilson informed, you and Tropicana filed the applications without David Wilson's knowledge or permission, and clearly

disregarded Mr. Wilson's ownership rights. Now you "require" Mr. Wilson pay his share of the filing fees in those same applications?

In my letter of January 28, 2004, a copy of which is attached hereto, I specifically requested you respond with the dates, and in what form, notice of PCT applications, or any foreign applications was forwarded to Mr. Wilson or his counsel, prior to your January 20, 2004 E-mail requesting assignment of the filed Brazilian national stage application. As you have failed to respond, please respond to this question by April 15, 2004, otherwise we will conclude no such notice was given. Also reference my letter of January 30, 2004, a copy of which is attached hereto, in response to your assertion in a teleconference that Mr. Wilson, or his counsel simply didn't ask to be kept informed on PCT applications. Is it truly your firm policy to assume that inventors do not want to hear anything about their pending applications unless they otherwise tell you? Tropicana trampled on Mr. Wilson's rights, which you facilitated, and now Tropicana is certainly in no position to "require" reimbursement from Mr. David Wilson.

Tropicana had never requested David Wilson pay any fees associated with the international patent applications, prior to the filing of those same applications. Indeed it seems quite disingenuous to misrepresent Mr. Wilson's ownership interests in the PCT application and multiple applications in foreign venues, file those applications using a power of attorney granted by Mr. Wilson, provide no notice of those actions to David Wilson, and then demand he pay for the filing of those same applications after the fact.

To ask Mr. Wilson to pay filing fees prior to the filing of the applications would have alerted Mr. Wilson to the presence of the international applications and would have precluded Tropicana, and you as their counsel, from "forgetting" that David Wilson is rightfully a co-owner and co-applicant of those same applications. In your E-mail of January 20, 2004, a copy of which is attached hereto, you acknowledged:

"As you know, Mr. David Wilson has not yet executed any Assignments for any subject matter with Tropicana."

Your E-mail further discusses the problems posed by the complete lack of any assignment. Yet you had just filed national stage applications in Brazil, the EPO, Norway, Israel, Poland, Russia,

Australia, New Zealand, Costa Rica, and Mexico, using a power of attorney granted by David Wilson, that failed to recognize David Wilson's rights as a co-applicant in each country.

You state that Tropicana will cooperate with reasonable efforts to correct the ownership of the foreign applications, that is to show two applicants, Tropicana and David Wilson. Your firm is the firm of record in the application, and Tropicana is the only party of interest. David Wilson is currently a 3rd party with no ability to file papers into the uncorrected foreign applications. Given the cavalier disregard for Wilson's rights in the past, I must again remind you that you have a professional and an ethical obligation to correct your error. David Wilson may not service the applications until he is properly named as an applicant in each foreign venue.

We seem to have some miscommunication occurring as what you state and what Tropicana states are contradictory. Lars Johnson, representing your client Tropicana Products, left a voice mail at my office on March 29, 2004. In his voice mail, Mr. Johnson clearly states that:

"Hello Mr. Asbury, this is Lars Johnson calling from Tropicana Products.
Ray Mehler forwarded on your letter as of today. [referring to my March 29 letter providing an affidavit to correct the EPO]

...
Of course we are not going to sign anything you have attached to your letter.
[referring to the affidavit provided to correct the EPO]
I'm also instructing Mr. Schlich not to do anything at your request.

...
We are not giving up any ownership interest in those patents at this point.

...
And don't expect any efforts to be expended by Mr. Schlich or Mr. Mehler on your client's behalf or on our dollar.
Ok, Thank you."

Well, which is it? Are you correct that Tropicana will cooperate in correcting the misrepresentations made in filing applications for the EPO, Norway, Israel, Poland, Russia, Australia, New Zealand, Costa Rica, and Mexico? Or is Mr. Johnson correct that Tropicana will take no effort to fix any of its misrepresentations and continue running roughshod over Mr. Wilson's rights?

In a reasonable effort to correct David Wilson's ownership interests, my letter of March 29, 2004, forwarded a simple, one page affidavit to correct the ownership of the application in the EPO. Tropicana has executed a similar affidavit, suggested and prepared by Mr. Wilson's local Brazilian counsel, to correct ownership in the Brazilian national stage application. Now Tropicana declines to use a similar affidavit in other venues? The affidavit will make the application ownership blatantly clear. As stated by Lars Johnson above, if Tropicana does not wish to correct the application ownership in any country, your misrepresentation in the application ownership as filed will stand.

The affidavit provided for the EPO is similar to the one previously used to correct ownership in the Brazilian application. The affidavit is as recommended by Mr. Wilson's London local counsel, Malcolm Lawrence of the Hepworth Lawrence Bryer & Bizley firm. If Tropicana disagrees with the wording of the affidavit, please have your local counsel prepare a revised affidavit and forward the same for review. Please timely cooperate with our efforts to correct Mr. Wilson's ownership rights. The use of an affidavit is a reasonable and efficient method to correct the ownership interests, comports with the local law of the EPO, and is as recommended by our local counsel. Your Russian local counsel suggested an affidavit to correct ownership in that venue, and we agree. Please prepare an affidavit to add David Wilson as a co-owner in the Russian application. We will grant limited powers of attorney to your local counsel to allow the filing of an affidavit in each foreign application adding David Wilson as an applicant.

I have requested a clear and efficient process by which to correct the application ownership in each national stage country. To generate and file in the relevant patent offices a simple, one page affidavit stating Mr. Wilson should have been an applicant. Is this too onerous? This would appear to be the clearest and most effective manner, as in your words:

"to have the public records reflect what no one has denied: Absent Mr. Wilson's assignment, he enjoys ownership rights in patent filings of which he is a co-inventor."

Until Tropicana files clarification in the relevant patent offices, Tropicana is effectively denying and usurping Mr. Wilson's clear ownership interests. Mr. Wilson is currently a 3rd party in the uncorrected applications above and has no means of further prosecuting the applications until he is added as an applicant.

Relative to the options portion of your letter, you do not have the permission of David Wilson to abandon any application in which he is a named inventor. All powers of attorney to your firm were revoked in my letters of April 5 and 6, 2004. That said, David Wilson may consider continuing the prosecution of any applications where he has ownership rights. In order to continue the prosecution of a foreign application, Mr. Wilson must obviously be named as an applicant. Accordingly, Mr. Wilson chooses an option not presented in your letter of March 29, 2004.

Mr. Wilson will not consider continuing the prosecution of any application at his expense where Mr. Wilson's ownership interests have not been clearly corrected. Further, Mr. Wilson will not consider sharing in the forward prosecution costs for any application until such time as his ownership interests have not been corrected. As stated in your letter, Mr. Wilson will not consider "taking over the responsibility for an application," until the misrepresentations made in each foreign application filing have been corrected. Please maintain all foreign applications active until such time as David Wilson is properly added as an applicant in all applications.

You are directed to clearly correct Mr. Wilson's ownership interests, via an affidavit, in the applications filed for the EPO, Norway, Israel, Poland, Russia, Australia, New Zealand, Costa Rica, and Mexico. The use of affidavits provides the clearest and most efficient method of correcting ownership. An affidavit has already been suggested and supplied by Mr. Wilson's counsel for the EPO. As advised by Mr. Wilson's local counsel, we understand the EPO requires a statement as to how the error occurred in the filing of the application. If Tropicana objects to the wording of the EPO correction affidavit provided, please prepare a revised affidavit. As Tropicana must sign all affidavits correcting ownership, Tropicana should prepare the affidavits for all venues using wording with which they are comfortable, and forward for Mr. Wilson's review.

To date, as Mr. Wilson's ownership interests have been corrected via an affidavit in Brazil. In an act of good faith, Mr. Wilson accepts Tropicana's offer to continue prosecution of the Brazilian application using his own local counsel. If at some future point, Mr. Wilson decides to cease prosecution of the Brazilian application, he will provide written notice and opportunity for Tropicana to continue prosecution in Brazil. Mr. Wilson will of course keep Tropicana informed of the status of the applications and seek Tropicana's prior approval of any action taken in the prosecution of the application. If this is acceptable, I will advise Mr. Wilson's Brazilian counsel, the Clarke Modet firm, to contact the Dannemann firm and arrange transfer of the application. As is only reasonable, Mr. Wilson will share with Tropicana the costs of maintenance fees of any Brazilian patent issuing from the application.

As Mr. Wilson is one of 3 inventors in each application, he will consider sharing the costs of forward prosecution of foreign applications other than Brazil, at a rate of 1/3 paid by Wilson, 2/3 paid by Tropicana. Mr. Wilson will not pay for costs incurred to date in the filing of applications that failed to recognize his ownership interests. Further, Mr. Wilson will not share in the forward costs incurred in any application until such time as his ownership interests in each application are clearly corrected. Obviously, Mr. Wilson will not pay to prosecute an application in which he has no corrected ownership rights. As Mr. Wilson will cooperate in efforts to correct his ownership, please do so.

As Mr. Wilson was provided no notice of the foreign application filings prior to your letter of January 20, 2004, he was not given the opportunity to select which countries he cared to pursue patent ownership in. Indeed, applications in all countries failed to reflect his ownership. Accordingly, Mr. Wilson may choose not to participate in the forward costs in some countries. However, as Mr. Wilson is paying the full costs going forward in the Brazilian application, he will maintain his rights in the shared ownership with Tropicana in any country where Tropicana continues to prosecute any filed patent applications.

Again, we stand ready to complete the prosecution of the Brazilian patent to issue, and we will cooperate in the efforts to correct Mr. Wilson as an applicant in all other venues.

Sincerely

A handwritten signature in dark ink, appearing to read "E.J. Asbury III", with a stylized flourish at the end.

E.J. Asbury III, LLC

-- Full Transcript of Lars Johnson voice-mail of March 29, 2004 --

"Hello Mr. Asbury, this is Lars Johnson calling from Tropicana Products. Ray Mehler forwarded on your letter as of today. I've looked at it, and actually we are in the process of writing you a letter as well. Kind of interesting we received this today. Of course we are not going to sign anything you have attached to your letter. I'm also instructing Mr. Schlich not to do anything at your request. And we are not going to pay for anymore prosecution of any foreign applications. You'll see in the letter we are sending, we will give you the opportunity to handle all the prosecution of foreign patents. You and Mr. Wilson. We are not giving up any ownership interest in those patents at this point. We are not going to share any costs going further. So I will let you handle all of these matters, and your client can pay for it. What we will do in exchange for that is: We are not going to ask for an accounting from your client of the money we have spent so far in filing all the foreign applications, etc. but we are not going to spend any money going forward. If you are agreeable to pick up the cost of going forward that's fine. If you think we should somehow share in the ongoing costs, then of course we'll ask you to share in the costs we have expended to date. So, you'll be receiving the letter. And don't expect any efforts to be expended by Mr. Schlich or Mr. Mehler on your client's behalf or on our dollar. Ok, Thank you."

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EUGENE M. CUMMINGS
JAMES S. PRISTELSKI
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April 12, 2004

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EDWARD M. KEATING

VIA FACSIMILE, MAIL & EMAIL

E.J. Asbury III, LLC
3330 Cumberland Boulevard
Suite 500
Atlanta, Georgia 30339

Re: Citrus Litter Patent Applications

Dear Mr. Asbury:

We acknowledge your letters of April 5, 6 and 9, 2004 concerning David L. Wilson and Tropicana Products, Inc.

We see that Mr. Wilson puts Brazil in a separate category and tells us he has an interest. Accordingly this will be handled under the second option of my March 29, 2004 letter. As for the other countries, namely Australia, Costa Rica, European Patent Office, Israel, New Zealand, Norway, Poland and Russia, Mr. Wilson has had months to decide if any of these countries are worth pursuing. Tropicana has concluded they are not worth pursuing. We had presented a very direct question to Mr. Wilson. We will paraphrase it: Are any of these eight applications of sufficient interest to Mr. Wilson to have him pursue them? Since we have been provided no direct answer, other than to warn us not to abandon them, we leave the applications in the capable hands of you and your local counsel. Of course, we will not tell anyone to abandon any applications. That will have to come from you or Mr. Wilson.

We will continue to reasonably cooperate with you and Mr. Wilson to complete the formality of adding Mr. Wilson as an applicant in the records for each of these countries, some of which have already been completed. Since you say you have revoked all powers of attorney, the way now is clear for you to complete this, and any and all prosecution, with the local counsel of your choice and according to the urgent timing which you have been demanding.

At your request, we have been sending you all communications between local counsel and us regarding the citrus litter filings in all of these countries. You should have complete files. We nevertheless give you the courtesy to summarize where our files show each of these stands currently:

Brazil – Completed, as you recognize.

Mexico – Completed by virtue of a communication received last week.

PCT – WIPO was notified but they advise this must be handled at national level.

EPO – Mr. Schlich's 8 March 2004 letter to EPO requested adding Mr. Wilson

Russia – Mr. Schlich's 23 March 2004 letter confirmed he had requested his Russian associates to add Mr. Wilson and to send him any needed documents. We have not heard further from Mr. Schlich. We will instruct Mr. Schlich to send any information he receives directly to you.

Poland – Mr. Schlich's 23 March 2004 letter confirmed he had requested his Polish associates to add Mr. Wilson and to send him any needed documents. We have not heard further from Mr. Schlich. We will instruct Mr. Schlich to send any information he receives directly to you.

Norway – Mr. Schlich's 23 March 2004 letter provided explicit advice for adding Mr. Wilson saying since he is an inventor this can be done simply. In my email to you on the same date, I asked your approval to do so. To date no such approval has been received. Unless we hear otherwise, we will understand that you will complete the necessary steps to add Mr. Wilson.

Israel – Mr. Schlich's 23 March 2004 letter said his Israeli associates needed only an Authorization of Agent from Mr. Wilson, which request I emailed to you on the same day. Unless we hear otherwise, we will understand you will provide an Authorization of Agent directly to Israel.

Costa Rica – On April 2, 2004 we faxed you the March 29 letter from local counsel indicating they were contacted by another Firm, which we believe may be your local counsel but which we cannot confirm since you have refused to identify that Firm. Our April 7 letter sent you an April 2 letter from local counsel showing Tropicana and Wilson in its subject heading. We recommend that you have your local firm again directly contact local counsel who filed the application to expedite the handling of this matter. We will be glad to instruct our local firm to reasonably cooperate with your firm if you wish.

Australia – The 19 March 2004 letter from Callinan Lawrie (copy sent to you) confirmed they will not file a Notice of Entitlement at this time and asked to be informed of the name of your local counsel, and our March 19 letter (copy sent to you) told Callinan to proceed to add Wilson as applicant, but you have not informed us or Callinan of the identity of your local counsel. We recommend that since you have our local counsel's contact information, you have your local firm contact them directly to expedite the handling of this matter. We will be glad to instruct our local firm to reasonably cooperate with your firm once they hear from it.

New Zealand – See Australia.

We look at the above facts and believe all was going smoothly (and as far as we know still is in all of these countries) to add Wilson as a named applicant. Your letter of March 29, 2004, made demands of personal Affidavits for EPO, Russia, Poland, Norway and Israel that you did not even state were required by local law in any of these countries (but instead referred to action in Brazil!). Now your April 9 letter at last discloses Mr. Wilson's London local counsel and suggests an approach different from the course on which Mr. Schlich had already embarked. You have chosen to follow a different path. If you have not informed Mr. Lawrence of what Mr. Schlich already has done, we request that you do so. Then have Mr. Lawrence prepare, in the context of his

E.J. Asbury III, LLC

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April 12, 2004

representation of Mr. Wilson, the documents which he says are needed for execution by Tropicana Products, Inc. Provided they are reasonable, and directed to adding Mr. Wilson as an applicant, they will be signed promptly by the corporation.

Tropicana is willing to have local counsel chosen by Mr. Wilson handle each of these applications. Although, except for Brazil and EPO, you have not identified any of your local counsel (even when asked), Tropicana Products, Inc. is relying on your expertise and diligence in having chosen local counsel who are competent in patent law of their respective countries. Please understand, however, Tropicana will not be sharing in Mr. Wilson's legal cost associated with these applications to the extent he chooses to keep them alive.

In order to make this transition as smooth as possible, Tropicana now will be writing to each of the current local counsel and instructing them that you or Mr. Wilson's local counsel will be contacting them to provide specific information on transferring the prosecution of these applications over to Mr. Wilson. They also will be instructed to provide you directly with any correspondence received from any patent authority over the next month. If they do not hear from you within that month, they will instruct the patent authority that they are no longer acting in a representative manner for Tropicana in these cases, and all future correspondence should be sent directly to you where permitted by local law. We remind you that some countries may require local counsel of record, so you may need to have this resolved in the next month. In view of your recalcitrance in this matter, which could give rise to concerns of potential meritless claims by you of liability of Tropicana to Mr. Wilson, Tropicana will instruct these firms that they are not to take any actions on Tropicana's behalf in any of these matters after completing transference of these cases to Mr. Wilson, or after one month, whichever is sooner. We leave it to you to instruct the current local counsel either they are to turn over their files to your counsel or that you will continue to work with local counsel who filed the applications. Thereafter, Mr. Wilson and you will be able to handle these applications which had been filed, at Tropicana's sole expense, in each of Australia, Brazil, Costa Rica, European Patent Office, Israel, New Zealand, Norway, Poland and Russia. All Tropicana requests is that you or Mr. Wilson provide prompt notification of milestone events, such as patent issuance or abandonment of an application or patent. You need not notify Tropicana in advance.

Apparently you are considering filing something under 37 CFR 1.182, "Questions Not Specifically Provided For". We understand from your letter that such an attempted filing under Rule 182 will seek "co-prosecution". Since you are attempting this on the basis of this very general Rule, apparently you agree with our understanding that a US application cannot have two addresses for service.

For the US applications and applications in any country except those listed in the second paragraph of this letter, Tropicana Products, Inc. has decided that they will designate you (or other counsel appointed by Mr. Wilson) to be the address for service and the only agent of record. If Mr. Wilson or you require other counsel to take over these applications, let us know. If you or Mr. Wilson do not identify other counsel by April 16, Tropicana will file its own Revocation of Power of Attorney to all agents listed on the current US Combined Declarations, and will appoint you as agent of record on behalf of Tropicana. We will use the same information about you which is recited in the Revocation papers you already filed on behalf of Mr. Wilson. This will make unnecessary your proposed Rule 182 filing.

Unlike the countries listed in the second paragraph of this letter, for these other countries, Tropicana requests to be kept informed of more than only milestone events such as issuance or

E.J. Asbury III, LLC

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April 12, 2004

abandonment. Tropicana requests that Mr. Wilson or his counsel simply keep Tropicana informed of the progress of these applications as they proceed. In other words, Tropicana will rely on the expertise and diligence of Mr. Wilson's counsel and will not require prior approval of prosecution decisions. As stated in Mr. Johnson's voice mail of March 29, 2004, Tropicana is willing to forgo reimbursement from Mr. Wilson of his share of the considerable legal expenses Tropicana has expended to date on these applications (and continues to expend by virtue of this protracted correspondence) in exchange for having Mr. Wilson assume the costs and expenses for the continued prosecution of all remaining patent applications to the extent he decides and solely at his own discretion.

Your April 9 letter says "Mr. Wilson extended a revised offer to Tropicana for assignment of his interests as recently as March 12, 2004." I have been unable to track this down. It would help if you would indicate to whom was this offer was made, particularly since Tropicana currently is undergoing a substantial revision of its operations. Tropicana will be happy to entertain any offer that is made in writing.

Finally, we have this overall observation. For someone who has made virtually no investment to date in the various patent applications filed through the efforts of Tropicana Products, Inc., Mr. Wilson enjoys rights in issued and pending US patents and has rights in patent applications in several countries. Mr. Wilson has been handed a real bargain and he now is in full control of these matters.

Yours very truly,

Cook, Alex, McFarron, Manzo,
Cummings & Mehler



Raymond M. Mehler

RMM/vk

cc: Lars S. Johnson, Esq. (via email)
Mr. Rocco Simonetta (via email)

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April 15, 2004

VIA FACSIMILE, EMAIL & MAIL

E.J. Asbury III, LLC
3330 Cumberland Boulevard
Suite 500
Atlanta, Georgia 30339

Re: Citrus Litter Patent Applications

Dear Mr. Asbury:

Further to our letter to you of April 12, 2004, on reviewing it we note we might not have responded directly to other matters raised in your letters of April 5, 6 and 9, 2004 and to which you requested a reply by April 15.

You ask for more information on notification regarding filing non-US patent applications on the citrus litter technology. The very first time any Wilson counsel asked for anything but US patent application information was after we wrote you, on January 20, 2004, about the Brazilian filing. Since then, we have fully complied with all of your requirements, despite your accusations and allegations. All Mr. Wilson or his counsel had to do was ask, in clear and simple language, if Tropicana was going to file or had filed any non-US or foreign or international applications. We do note that once you apparently concluded by January 2004 that asking about non-US filings might fit into your and Mr. Wilson's plans (whatever they are), you found the published PCT applications (both published many months before you acknowledge you knew of them) quickly and without any specific information from us.

You assert that you personally had asked about foreign filings in your emails of October 3 and November 6, 2002. We first observe that Tropicana counsel had minimal contact with former counsel for Mr. Wilson about the patent situation, most of the communications being between the respective business people. For example, Mr. Wilson was informed about the first US application as it was being prepared for filing and he had been given a copy for his review.

E.J. Asbury III, LLC

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April 15, 2004

At this time, Mr. Wilson confirmed what Tropicana had understood from previous discussions with Mr. Wilson, namely that Mr. Wilson agreed that full ownership rights were to be in Tropicana. However, while he eventually signed the Combined Declaration, Mr. Wilson has yet to sign Assignments which had been tendered to his counsel. He stated he would not sign an Assignment "yet", but never said he refused to assign, and this remained our understanding until your letter of January 28, 2004 when you stated that Mr. Wilson "will not assign the U.S. patent to Tropicana".

We do not know when Mr. Wilson changed counsel to you, so we do not know whether you or Mr. Wilson's prior counsel had the obligation to inform him of foreign filing options before July 3, 2002. We first heard from you shortly before your October 3, 2002 email when you informed us you now were representing Mr. Wilson. You then asked to be sent "...copies of all papers filed with or received from the PTO in connection with the '997 application or any other application claiming priority to the '997 application..." First, your use of PTO was understood to be the commonly used abbreviation for the US Patent and Trademark Office. We did not understand this to be a request for any information about any non-US filings, which is reflected in my letter to you of November 5, 2002, which states the '997 application "is the only pending U.S. patent application on which Mr. David Wilson is named as an inventor." Your November 6, 2002 email response questioned the qualifier about Mr. Wilson as inventor but raised nothing about the "only pending U.S. patent application" qualifier. It was not until your letter of January 30, 2004 that you took the position that your October/November 2002 emails were asking about applications other than U.S. applications. We also observe the WIPO application in question was published 16 January 2003. If you had been concerned about a non-US filing before January 2004, as you now state, apparently you did not do even the minimal level of due diligence and check the WIPO web site.

Looking at this now, you or Mr. Wilson's predecessor counsel either overlooked foreign filing possibilities and totally failed to advise Mr. Wilson of his rights, or his counsel did advise him and he did not express any interest. It was incumbent on Mr. Wilson's counsel, not Tropicana or anyone else, to advise Mr. Wilson of the specific due dates. You, Mr. Wilson or his predecessor counsel could have initiated PCT and other possible non-US filings within these time periods. Your accusations do not change the fact that Mr. Wilson, you and your predecessor did not act.

We complied with the requests of Mr. Wilson and his counsel since even before the first US application was filed. Your October 2, 2003 discussions with Mr. Lars Johnson were the first time any counsel for David L. Wilson asked to be informed of developments in the US citrus litter applications before papers are filed in the applications. We have complied fully. This is the subject of my October 2, 2003 letter to you. We did have a concern about this arrangement due to your and/or Mr. Wilson's slow response. Here are a few examples.

1. In the divisional application, No. 10/341,729, we had sent you a Combined Declaration with Power of Attorney on January 14, 2003, the day the application was filed, in view of amendments made at that time. This was accompanied by an Assignment. We asked for

E.J. Asbury III, LLC

-3-

April 15, 2004

these to be executed. When we reported the Office Action and Amendment in our letter to you of August 27, 2003, we reminded you. No documents ever were received, and the patent issued without a supplemental Declaration ever having been filed.

2. In this 10/341,729 application, we reported the Notice of Allowance to you on October 8, 2003, asking for your or Mr. Wilson's input concerning the Allowance or the allowed claims. While you eventually sent a check and approved payment of the fees in late November, you never gave any input on the allowed application, which issued on March 23, 2004 as No. 6,708,647.

3. On February 13, 2004, we sent you by Federal Express an unfiled patent application (0876-0218) which Tropicana considered ready for filing and in respect of which Mr. Wilson was invited to add any input. You immediately said you would have input, but none was received. We then sent you a reminder on March 22 and sent you an electronic version which you requested for the first time on that date. No input has been received from you or Mr. Wilson.

4. On multiple occasions, we have asked Mr. Wilson's counsel for input about any art known to Mr. Wilson which could be relevant to patentability so that an Information Disclosure Statement could be filed. Nothing ever has been received back. If in fact Mr. Wilson or his agents are aware of pertinent prior art information which was not brought to our attention, all of these U.S. patents could be found to be unenforceable. We have fulfilled our duty to inquire of Mr. Wilson, so if there is a problem, it will be due to Mr. Wilson's lack of attention or failure to cooperate.

5. On occasions in addition to that noted above, you and I discussed by telephone the various citrus litter US patent applications, and I explicitly asked for any input from you or Mr. Wilson concerning the citrus litter US patent applications, particularly their claims. Never did we receive any suggestions.

You allege Tropicana has "recently refused to correct the ownership of applications in the EPO, and the other remaining foreign jurisdictions." If this is what you understand, you are wrong. It is you and Mr. Wilson who have not cooperated fully and have unduly complicated the efforts to complete the corrections of records in the respective patent offices. See our April 12, 2004 letter and the numerous emails, papers and documents which we have sent you this year.

Other matters in your April 6, 2004 letter have been addressed before. Concerning the citrus feed supplement, our letter of October 24, 2003 asked for concrete information contrary to Tropicana's conclusion that Mr. Wilson is not a co-inventor of that technology. If he had invented any of the claimed feed supplement technology, he did not pass it on to Tropicana as far as we are aware. Your refusal to provide any information has made impossible any reassessment of inventorship of the feed supplement technology and leads us to the conclusion that Mr. Wilson is not a coinventor.

E.J. Asbury III, LLC

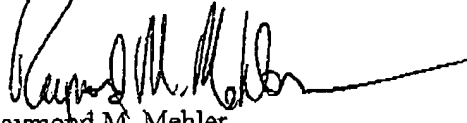
-4-

April 15, 2004

From Tropicana's perspective, Mr. Wilson and/or his counsel have been uncooperative. Despite this, Mr. Wilson has received benefits due to the very activities about which you continue to complain. Mr. Wilson has not been harmed in any way, at least not by Tropicana.

Yours very truly,

Cook, Alex, McFarron, Manzo,
Cummings & Mehler, Ltd.


Raymond M. Mehler

RMM/vk
Enclosures

cc: Lars S. Johnson, Esq. (via email)
Mr. Rocco Simonetta (via email)

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April 20, 2004

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VIA FACSIMILE & EMAIL

E. J. Asbury III, LLC
Intellectual Property Law
3330 Cumberland Boulevard
Suite 500
Atlanta, Georgia 30339-5985

RE: Our Case 0876-0157.01 -
U.S. Patent Application No. 10/342,481 -
"Commercial Poultry Litter Enhancement With Citrus Sources" -
Keithly, Taggart & Wilson

Dear Mr. Asbury:

Enclosed is a Request for Withdrawal and Change of Correspondence Address to enable you to receive all communications from the U.S. Patent and Trademark Office concerning the above-identified application.

Before we complete and file this we ask for your input at your early convenience.

Yours very truly,

Cook, Alex, McFarron, Manzo,
Cummings & Mehler, Ltd.



Raymond M. Mehler

RMM/vk

Enclosure

cc: Lars S. Johnson, Esq. (via email w/o enclosures)
Ms. Sandy Long (w/enclosures)

PTO/SB/83 (09-03)

Approved for use through 11/30/2005. OMB 0851-0035
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**REQUEST FOR WITHDRAWAL
AS ATTORNEY OR AGENT
AND CHANGE OF
CORRESPONDENCE ADDRESS**

Application Number	10/342,481
Filing Date	January 15, 2003
First Named Inventor	James H. Keithly
Art Unit	3644
Examiner Name	Judith A. Nelson
Attorney Docket Number	0876-0157.01

To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Please withdraw me as attorney or agent for the above identified patent application, and

- ☒ all the attorneys/agents of record.
☐ the attorneys/agents (with registration numbers) listed on the attached paper(s), or
☐ the attorneys/agents associated with Customer Number

NOTE: This box can only be checked when the power of attorney of record in the application is to all the practitioners associated with a customer number.

The reasons for this request are:

CORRESPONDENCE ADDRESS

1. ☐ The correspondence address is NOT affected by this withdrawal.
2. ☒ Change the correspondence address and direct all future correspondence to:

☐ Customer Number:

OR

<input checked="" type="checkbox"/> Firm or Individual Name	E. J. Asbury, III LLC		
Address	3330 Cumberland Boulevard		
Address	Suite 500		
City	Atlanta	State	Georgia
Country	U.S.A.		
Telephone	770-933-6850	Fax	404-795-1025
Name	Raymond M. Mehler		
Signature		Registration No.	26,306
Date	April, 2004	Telephone No.	312-236-8500

NOTE: Withdrawal is effective when approved rather than when received. Unless there are at least 30 days between approval of withdrawal and the expiration date of a time period for response or possible extension period, the request to withdraw is normally disapproved.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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April 20, 2004

VIA FACSIMILE & EMAIL

E. J. Asbury III, Esq.
Intellectual Property Attorneys
3330 Cumberland Boulevard
Suite 500
Atlanta, Georgia 30339

RE: Our 0876-0121.02 -
U.S. Divisional of Application No. 10/341,729 -
Keithly, Taggart & Wilson -
"Enhancing Commercial Poultry Operations
With Litter Having Citrus Byproduct"

Dear Mr. Asbury:

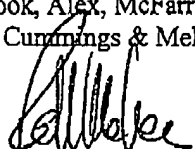
Enclosed is a Request for Withdrawal and Change of Correspondence Address to enable you to receive all communications from the U.S. Patent and Trademark Office concerning the above-identified application.

Before we complete and file this we ask for your input at your early convenience.

Also enclosed is a copy of the Notice of Publication of this application.

Yours very truly,

Cook, Alex, McFarron, Manzo,
Cummings & Mehler, Ltd.


Raymond M. Mehler

RMM/vk
Enclosures

cc: Lars S. Johnson, Esq. (w/o enclosures via email only)
Ms. Sandy Long (w/ enclosures)

PTO/SB/83 (09-03)

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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**REQUEST FOR WITHDRAWAL
AS ATTORNEY OR AGENT
AND CHANGE OF
CORRESPONDENCE ADDRESS**

Application Number	10/671,409
Filing Date	September 25, 2003
First Named Inventor	James H. Keithly
Art Unit	1615
Examiner Name	Judith A. Nelson
Attorney Docket Number	0876-0121.02

To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Please withdraw me as attorney or agent for the above identified patent application, and

- ☒ all the attorneys/agents of record.
- ☐ the attorneys/agents (with registration numbers) listed on the attached paper(s), or
- ☐ the attorneys/agents associated with Customer Number

NOTE: This box can only be checked when the power of attorney of record in the application is to all the practitioners associated with a customer number.

The reasons for this request are:

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2. ☒ Change the correspondence address and direct all future correspondence to:

☐ Customer Number:

OR

<input checked="" type="checkbox"/>	Firm or Individual Name	E. J. Asbury, III LLC			
Address		3330 Cumberland Boulevard			
Address		Suite 500			
City		Atlanta	State	Georgia	Zip 30339
Country		U.S.A.			
Telephone		770-933-6850		Fax	404-795-1025
Name	Raymond M. Mehler				
Signature		Registration No.	26,306		
Date	April, 2004	Telephone No.	312-236-8500		

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THE LAW OFFICES OF
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April 20, 2004

VIA FACSIMILE & MAIL

Raymond Mehler,
Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd.
200 West Adams St
Suite 2850
Chicago, IL 60606

Re: U.S. Application No. 10/342,481 "Commercial Poultry Litter
Enhancement with Citrus Sources;" and
U.S. Application No. 10/671,409 "Enhancing Commercial Poultry
Operations with Litter Having Citrus Byproduct"

Mr. Mehler:

This letter is responsive to your letter of today suggesting you will "appoint" representation of Tropicana to my firm.

Tropicana and David Wilson are adverse parties.

I represent David Wilson. I have never represented and will not undertake representation of Tropicana in any matter, domestic or foreign. Mr. Wilson will not waive the conflict and I will not accept any power of attorney given me by Tropicana. Do not file papers attempting to change the correspondence address of the pending applications above. Your power of attorney over these applications in regard to David Wilson was revoked in my letter of April 6, 2004, and accordingly you do not have authority to act on his behalf.

I will file a petition under 37 CFR 1.182 requesting co-prosecution of the applications. As specifically stated in MPEP 402.10, revocation of power of attorney and appointment of a new attorney may be done by a single owner in an application, when accompanied by a petition giving good and sufficient reasons why such papers should be accepted. We clearly have good and sufficient reasons in the present situation. Mr. Wilson as an assigned inventor is a single

Build the Wall Before the BattleSM

owner with the power to revoke your representation and appoint his own counsel. We forwarded your office the requisite revocation and appointment papers signed by Mr. Wilson in our letter of April 6, 2004.

In regard to your suggestion that I become the agent of record, as specifically stated in MPEP 402.10, "When the acceptance of such papers results in more than one attorney or agent prosecuting the application, the correspondence address will continue to be that of the attorney or agent first named in the application, unless all parties agree." Your office will remain the correspondence address in each file. We have not requested and **do not agree** to a change in the correspondence address.

An adverse situation clearly exists between David Wilson and Tropicana. Simply because your firm represented Tropicana and Mr. Wilson in prosecuting the present applications does not negate the direct conflict in the parties respective interests. Pursuant to the Rules of Practice before the USPTO, not to mention state bar regulations, I cannot represent parties that have clearly adverse interests. Should Tropicana attempt to appoint me as their counsel, I will seek assistance from the Office of Enrollment and Discipline (OED) to remedy such action.

Please also note you have included the wrong application number in your letter for U.S. Application No. 10/671,409 "Enhancing Commercial Poultry Operations with Litter Having Citrus Byproduct." You listed the application number as 10/341,729. That application has issued as U.S. Patent No. 6,708,647.

Sincerely

A handwritten signature in black ink, appearing to read "E.J. Asbury III", with a stylized flourish at the end.

E.J. Asbury III, LLC